Nos. 06-1195, 06-1196

IN THE

Supreme Court of the United States

LAKHDAR BOUMEDIENE, *et al.*,

Petitioners,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

KHALED A. F. AL ODAH, *et al.*,

Petitioners,

v.

UNITED STATES, *et al.*,

Respondents.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

JOINT APPENDIX

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

04-cv-1166

LAKHDAR BOUMEDIENE, *et al.*
Petitioners,

v.

GEORGE WALKER BUSH, *et al.*
Respondents.

DOCKET ENTRIES

Date	No.	Proceeding
07/12/04	1	PETITION for Writ of Habeas Corpus (Filing fee $ 5.) filed by BADRA BAOUCHE, ABASSIA BOUADJMI, LAKHDAR BOUMEDIENE, MOHAMMED NECHLA. * * *[1]
		* * *
08/04/04	12	MOTION Joint Case Management Conference, Entry of Coordination Order, and Request for Expedition by GEORGE WALKER BUSH * * *.
08/16/04	13	Memorandum in opposition to motion re 12 MOTION Joint Case Management Conference, Entry of Coordination Order, and Request for Expedition filed by BADRA BAOUCHE * * *.
08/17/04	14	ORDER granting in part and denying in part 12 the Government's Motion for Entry of Coordination Order. Signed by Judge Gladys Kessler on 8/17/04.
08/18/04	15	ORDER Granting in part Respondents' motion for Joint Case Management Conference, Entry of

[1] Clerk's notations (*e.g.*, list of attachments, "(jf,) (Entered : 07/14/2004)") deleted from all entries.

Date	No.	Proceeding
		Coordination Order. Initial Conference set for 8/23/2004 09:30 AM before Joyce Hens Green. Signed by Judge Gladys Kessler on 8/18/04.
08/20/04	16	AMENDED PETITION for Writ of Habeas Corpus filed by EMINA LAHMAR * * *.
		* * *
10/04/04	25	MOTION to Dismiss or for Judgment as a Matter of Law and Response Pursuant to the Court's Sept. 20, 2004 Order by GEORGE WALKER BUSH * * *.
		* * *
10/12/04	31	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Lakhdar Boumediene by GEORGE WALKER BUSH * * *.
		* * *
10/14/04	32	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Belkacem Bensayah by GEORGE WALKER BUSH * * *.
		* * *
10/22/04	38	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Saber Lahmar by GEORGE WALKER BUSH * * *.
		* * *
10/27/04	39	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Mustafa Ait Idir by GEORGE WALKER BUSH * * *.
		* * *
10/29/04	41	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Mohammed Nechle by GEORGE WALKER BUSH * * *.
		* * *
11/01/04	45	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Hadj Boudella by

Date	No.	Proceeding
		GEORGE WALKER BUSH * * *.
		* * *
11/05/04	51	Memorandum in opposition to motion re 25 filed by MUSTAFA AIT IDIR * * *.
		* * *
11/06/04	53	Memorandum in opposition tc motion re 25 Joint Omnibus Brief filed by MUSTAFA AIT IDIR * * *.
		* * *
11/08/04	55	AMENDED PROTECTIVE ORDER and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba. Signed by Judge Joyce Hens Green on 11-08-04.
		* * *
11/09/04	57	Memorandum in opposition to motion re 25 Amended Memorandum filed by MUSTAFA AIT IDIR * * *.
		* * *
11/16/04	66	REPLY to opposition to motion re 25 to dismiss or for judgment as a matter of law filed by GEORGE WALKER BUSH * * *.
		* * *
12/13/04	70	SUPPLEMENTAL MEMORANDUM of Law in Support of Respondents' Motion to Dismiss or for Judgment as a Matter of Law Pursuant to Court's Dec. 2, 2004 Order filed by GEORGE WALKER BUSH * * *.
12/13/04	71	SUPPLEMENTAL MEMORANDUM In Opposition To Respondents' Motion To Dismiss Or For Judgment As Matter Of Law filed by MUSTAFA AIT IDIR * * *.
12/15/04	72	SUPPLEMENTAL MEMORANDUM (Amended) In Opposition To Respondents' Mo-

Date	No.	Proceeding
		tion To Dismiss Or For Judgment As A Matter Of Law, As Referred To In December 13, 2004 Notice Of Secure Filing, And Having Been Approved By The CSO As Suitable For Public Filing filed by MUSTAFA AIT IDIR * * *.
		* * *
01/21/05	79	MEMORANDUM OPINION AND ORDER. Signed by Judge Richard J. Leon on 1/19/05.
		* * *
02/18/05	84	FINAL JUDGMENT. Signed by Judge Richard J. Leon on 2/18/05.
02/22/05	85	NOTICE OF APPEAL as to 84 Order filed on 02/18/05 by LAKHDAR BOUMEDIENE * * *. Filing fee $ 255, receipt number 132218.
		* * *
07/03/07	107	MANDATE of USCA (certified copy) vacating the judgment of the District Court and dismissing appeal for lack of jurisdiction as to 85 Notice of Appeal, filed by MOHAMMED NECHLA * * *. USCA #05-5062.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

05-5062

LAKHDAR BOUMEDIENE, *et al.*
Appellants,

v.

GEORGE W. BUSH, *et al.*
Appellees.

DOCKET ENTRIES

Date	Proceeding
03/02/05	CIVIL-US CASE docketed. Notice of Appeal filed by the Appellants Lakhdar Boumediene, Abassia Bouadjmi, Mohammed Nechla, Badra Baouche, Saber Lahmar, Sabiha Delic-Ait Idir, Mustafa Ait Idir, Anela Kobilica, Belkacem Bensayah, Emina Planja, Hadj Boudella, and Emina Lahmar.[2]
	* * *
04/08/05	INITIAL SUBMISSIONS filed by Appellants Lakhdar Boumediene, et al., in No. 05-5062: docketing statement; certificate of counsel; statement of issues; lower court decisions; the deferred appendix notice (Deferred Appendix needed = n).
	* * *
04/25/05	CLASSIFIED JOINT BRIEF filed by Appellants * * *.
	* * *
04/25/05	BRIEF lodged by Movant-Amicus Global Rights in 05-5062, 05-5063 * * *.

[2] Clerk's notations (*e.g.*, list of attachments, "[881189-1], (jth) [05-5062]") deleted from all entries.

Date	Proceeding
	* * *
05/03/05	(CORRECTED) CLASSIFIED JOINT BRIEF filed by Appellants * * *.
	* * *
05/25/05	BRIEF filed by Federal Appellees George W. Bush, et al., in Nos. 05-5062, 05-5063 * * *.
06/06/05	BRIEF (Public Copy) filed by Appellants Lakhdar Boumediene, et al., in Nos. 05-5062, 05-5063 * * *.
06/08/05	REPLY BRIEF (Public Copy) filed by the Appellants Lakhdar Boumediene, et al., in Nos. 05-5062, 05-5063 * * *.
06/09/05	JOINT APPENDIX (Public Copy—Volumes 1-3) filed by the Appellants Lakhdar Boumediene, et al., in Nos. 05-5062, and 05-5063 * * *.
06/09/05	JOINT APPENDIX (Classified Version—Volume # 3) filed by Appellants Lakhdar Boumediene, et al., in No. 05-5062, and Appellants Ridouane Khalid, et al., in 05-5063 * * *.
	* * *
07/19/05	LETTER filed by Appellees George W. Bush, et al. pursuant to FRAP 28j advising of additional authorities * * *.
	* * *
08/02/05	SUPPLEMENTAL BRIEF filed by Appellees George W. Bush, et al., in Nos. 05-5062, 05-5063 * * *.
	* * *
08/09/05	SUPPLEMENTAL BRIEF filed by Appellants Lakhdar Boumediene, et al., in Nos. 05-5062, 05-5063 * * *.
08/10/05	SUPPLEMENTAL BRIEF filed by Appellants Lakhdar Boumediene, et al., in Nos. 05-5062, et al. * * *. [THIS BRIEF WAS CLEARED BY THE COURT SECURITY OFFICER ON AUGUST 9, 2005, AND IS A DUPLICATE OF THE BRIEF FILED ON AUGUST 9, 2005]. * * *

Date	Proceeding
	* * *
09/08/05	ORAL ARGUMENT HELD before Sentelle, Randolph, Rogers.
09/15/05	LETTER filed by Appellees George W. Bush, et al. pursuant to FRAP 28j advising of additional authorities * * *.
09/20/05	TRANSCRIPT of oral argument held on 9/8/05. (This Transcript also contains the argument held the same day in Nos. 05-5064, et al.)
09/21/05	PUBLIC MOTION, with accompanying memorandum and exhibits, filed * * *. by Appellants Lakhdar et al. in * * *. for injunction CLASSIFIED EXHIBITS (Vol. I & II, Classified Annual Review Board Submissions). Response due on 10/3/05.
09/26/05	RESPONSE filed * * *. by Appellants, Boumediene, et al. in 05-5062, Appellants Abassia Bouadjmi, et al. in 05-5062 * * *. in response to the 9/15 letter of the United States advising of additional authorities pursuant Fed. R. App. P. 24(j).
10/03/05	PUBLIC RESPONSE filed * * *. by Appellees George W. Bush, et al. * * *. to a motion for injunction.
10/07/05	PER CURIAM ORDER filed denying motion for order enjoining appellees from transferring petitioners to Algeria without providing counsel for petitioners and the court with 30-days' advance notice. Pursuant to Fed. R. App. P. 8(a)(1), appellants must first seek relief in the district court. Before Judges Sentelle, Randolph, Rogers.
	* * *
01/18/06	SUPPLEMENTAL BRIEF filed by Appellees George W. Bush, et al., in Nos. 05-5062, et al., and Appellees USA, et al., in Nos. 05-5064, et al. * * *.
01/18/06	SUPPLEMENTAL BRIEF LODGED by Washington Legal Foundation as Amicus Curiae in support of

Date	Proceeding
	Government Respondents in case Nos. 05-5062, et al., and Nos. 05-5064, et al. * * *.
	* * *
01/20/06	(CORRECTED) SUPPLEMENTAL BRIEF LODGED by Washington Legal Foundation as Amicus Curiae in support of the Government Responents in case Nos. 05-5062, et al., and Nos. 05-5064, et al.* * *.
	* * *
01/25/06	SUPPLEMENTAL BRIEF filed by Appellant Lakhdar Boumediene, et al in 05-5062 and Appellant Ridouane Khalid in 05-5063 * * *.
01/25/06	SUPPLEMENTAL BRIEF lodged by Movant-Amicus Curiae British and American Scholars Denis Galligan, et al in case Nos. 05-5062, et al, and Nos. 05-5064, et al * * *.
	* * *
02/17/06	SUPPLEMENTAL BRIEF of the Federal Parties Addressing the Detainee Treatment Act of 2005 filed by respondents George W. Bush, et al in 05-5062 and 05-5063 * * *.
02/17/06	BRIEF lodged by Movant-Amici Curiae-Appellee Lindsey Graham and Jon Kyl in 05-5062 and 05-5063. * * * (NOTE: See 3/30/06 order; leave denied and this brief returned to movant)
	* * *
03/10/06	SUPPLEMENTAL BRIEF (Regarding Section 1005 of the Detainee Treatment Act of 2005) filed by the Appellants Lakhdar Boumediene, et al., in Nos. 05-5062 and 05-5063 * * *.
	* * *
03/10/06	BRIEF LODGED by Movant-Amicus Curiae (British and American Habeas Scholars) Denis Galligan * * * in Case Nos. 05-5062, et al., and Nos. 05-5064, et al. * * *.
	* * *

Date	Proceeding
03/15/06	CORRECTED SUPPLEMENTAL BRIEF LODGED by the Appellants Lakhdar Boumediene, et al., in Case No. 05-5062, and by Appellants Ridouane Khalid, et al., in Case No. 05-5063, Regarding Section 1005 of the Detainee Treatment Act of 2005. * * *
	* * *
03/17/06	SUPPLEMENTAL REPLY BRIEF of The Federal Parties Filed by George W. Bush, et al., in case Nos. 05-5062, et al., and USA, et al., in case Nos. 05-5064, et al. * * *.
03/20/06	SUPPLEMENT (Corrected Table of Contents) to the Federal Parties Supplemental Reply brief in Nos. 05-5062, et al. and Nos. 05-5064, et al.
	* * *
03/20/06	CORRECTED BRIEF LODGED by Movant-Amicus Curiae The Federal Public Defender Habeas Corpus Counsel in Case Nos. 05-5062, et al., Case Nos. 05-5064, et al. * * *.
	* * *
03/20/06	CORRECTED BRIEF LODGED by Movant Amicus Curiae National Institute of Military Justice in Nos. 05-5062, et al., and Nos. 05-5064, et al. * * *.
	* * *
03/20/06	CORRECTED BRIEF LODGED by Movant-Amicus Curiae (Legal and Historical Scholars) Paul Finkelman * * * in Nos. 05-5062, 05-5064 * * *.
03/20/06	CORRECTED BRIEF LODGED by Movant-Amicus Curiae Senator Carl Levin in Nos. 05-5062, et al., and Nos. 05-5064, et al. * * * (NOTE: See 3/30/06 order; leave denied and this brief returned to movant)
	* * *
03/22/06	ORAL ARGUMENT HELD before Sentelle, Randolph, Rogers.
03/24/06	LETTER filed by Appellees USA, et al. pursuant to

Date	Proceeding
	FRAP 28j advising of additional authorities. * * *
	* * *
03/30/06	PER CURIAM ORDER filed denying motion of Senators Lindsey Graham and John Kyl for leave to participate as amici curiae in support of government espondents-appellees regarding the effect of Detainee Treatment Act of 2005; Denying motion of Senaor Carl Levin to participate as amicus curiae in support of petitioners regarding Section 1005 of the Detainee Treatment Act of 2005 pursuant to the Court's 1/27/06 order and for leave to file corrected brief; Clerk directed to return the lodged briefs to movants-amici curiae. Before Judges Sentelle, Randolph, Rogers.
	* * *
08/01/06	SUPPLEMENTAL BRIEF (styled "Government's' supplemental brief addressing Hamdan v. Rumsfeld") filed by Appellees George W. Bush et al. in 05-5062 and 05-5063. * * *
08/08/06	SUPPLEMENTAL BRIEF filed by Appellants Lakhdar Boumediene et al. in 05-5062 and Appellant Ridouane Khalid et al. in 05-5063. * * *
08/15/06	SUPPLEMENTAL REPLY BRIEF filed by Appellees George W. Bush et al. in 05-5062 et al.* * * (Note: brief also filed in related cases 05-5064 et al.)
10/17/06	LETTER filed by Appellee George W. Bush in 05-5062 pursuant to FRAP 28j advising of additional authorities. * * *
	* * *
11/01/06	BRIEF lodged by Movant-Amicus Curiae OR FPD in 05-5062. * * *
11/01/06	CLASSIFIED SUPPLEMENTAL BRIEF filed by Appellant Lakhdar Boumediene in 05-5062, Appellant Ridouane Khalid in 05-5063. * * *.
11/01/06	ADDENDUM (VOL. I AND II) TO BRIEF OF

Date	Proceeding
	AMICI CURIAE RETIRED FED JURISTS (HIST ID 1002475) lodged in 05-5064. * * *
11/13/06	SUPPLEMENTAL BRIEF filed by Appellees/Cross-Appellants George W. Bush * * * in 05-5062 and 05-5063. * * *
11/20/06	SUPPLEMENTAL REPLY BRIEF (UNCLASSIFIED) filed by Appellant Lakhdar Boumediene, et al. in 05-5062 and Appellant Ridouane Khalid in 05-5063. * * *
	* * *
12/14/06	LETTER filed by Appellee USA pursuant to FRAP 28j advising of additional authorities. * * *
12/15/06	LETTER filed by Appellants Khaled A. F. Al Odah, et al. in response to government's letter filed pursuant to FRAP 28j advising of additional authorities. * * *
12/18/06	LETTER filed by Appellants Lakhdar Boumediene, et al. in response to government's letter filed pursuant to FRAP 28j advising of additional authorities. * * *
12/20/06	LETTER filed by Appellant David Hicks in response to government's 12/14/06 letter filed pursuant to FRAP 28j advising of additional authorities. * * *
12/29/06	PER CURIAM ORDER filed denying non-party motion to allow amicus filed by Retd Fed Jurists. The Clerk is directed to return to movant-amici curiae the lodged brief. Before Judges Sentelle, Randolph, Rogers.* (Circuit Judge Rogers would grant the motion for leave to file brief amici curiae for the reasons set forth in the statement accomanying this order)
	* * *
02/20/07	JUDGMENT that the district court's decisions are vacated and the cases are dismissed for lack of jurisdiction for the reasons in the accompanying opinion. Before Judges Sentelle, Randolph, Rogers.
02/20/07	OPINION filed (25 pgs) for the Court by Judge

Date	Proceeding
	Randolph, DISSENTING OPINION (34 pgs) filed by Rogers
	* * *
03/07/07	NOTICE filed by the Supreme Court. The petition for writ of certiorari was filed on 3/5/07 and placed on the docket as No. 06-1195.
04/05/07	LETTER received from the S.Ct. advising that the petition for a writ of certiorari is denied.
04/11/07	MOTION filed * * * by Appellants Lakhdar Boumediene in 05-5062, et al., and Appellants Khaled A. F. Al Odah, et al. in 05-5064, 05-5095 through 05-5102, 05-5104 through 05-5114 * * * to withhold issuance of the mandate.
06/04/07	LETTER dated 6/4/07 received from S.Ct. advising that the respondents are invited to file a response to the petitioners for rehearing within 30 days.
06/20/07	PER CURIAM ORDER filed denying the motions to hold case in abeyance and to stay issuance of the mandate be denied. It is FURTHER ORDERED that the motion to govern be denied as moot. Before Judges Sentelle, Randolph, Rogers
06/27/07	MANDATE ISSUED to Clerk, District Court
07/03/07	MOTION filed * * * by Appellant Lakhdar Boumediene, et al in 05-5062 * * * to recall the mandate Response due on 7/16/07 in 05-5062, in 05-5063.
07/05/07	LETTER date 6/29/07 received from S.Ct. advising that the petition for rehearing is granted. The order entered 4/2/07 denying the petition for a writ of certiorari is vacated. The petition for a writ of certiorari is granted. The case is consolidated with 06-1196 and a total of one hour is allotted for oral argument. As it would be of material assistamnce to consult and decision in Bismullah et al. v Gates, No 06-1197, and Parhat, et al. v. Gates, et al. No 06-1397 currently pend-

Date	Proceeding
	ing in the US Court of Appeals for the District of Columbia Circuit, supplemental briefing will be scheduled upon the issuance of any decision in those cases.
07/13/07	OPPOSITION filed * * * by Appellees George W. Bush, et al. * * * to Appellants' motion recall mandate.
07/20/07	(Pending Classification) REPLY filed * * * by Appellant Lakhdar Boumediene in 05-5062, et al. * * * to a response to the motion recall mandate.
07/26/07	PER CURIAM ORDER filed granting motion recall mandate filed by Lakhdar Boumediene, et al. in 05-5062, 05-5063. The Clerk of the United States District Court for the District of Columbia is directed to return forthwith to the USCA for the District of Columbia Circuit the mandate issued on June 27, 2007. Before Judges Sentelle,* Rogers, Griffith. (Circuit Judge Sentelle would deny the motion)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

04-cv-1254

MAHMOAD ABDAH, *et al.*
Petitioners,

v.

GEORGE W. BUSH, JR., *et al.*
Respondents.

DOCKET ENTRIES

Date	No.	Proceeding
07/27/04	1	PETITION for Writ of Habeas Corpus (Filing fee $ 5.) filed by Petitioners.[3]
		* * *
10/01/04	19	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Adil Saeed El Haj Obaid by GEORGE W. BUSH JR. * * *.
10/04/04	20	ANSWER to Complaint/Petition for Writ of Habeas Corpus by Petitioner Othman Abdulraheem Mohammad by GEORGE W. BUSH JR. * * *.
		* * *
10/05/04	22	MOTION to Dismiss or for Judgment as a Matter of Law and Response Pursuant to the Court's Sept. 20, 2004 Order by GEORGE W. BUSH JR. * * *.
10/06/04	24	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Salman Yahaldi Hsan Mohammed Saud by GEORGE W. BUSH JR. * * *.

[3] Clerk's notations (*e.g.*, list of attachments, "(bm) (Entered: 07282004)") deleted from all entries.

Date	No.	Proceeding
		* * *
10/12/04	30	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Farouk Ali Ahmed Saif by GEORGE W. BUSH JR. * * *
10/12/04	31	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Mahmoad Abdah by GEORGE W. BUSH JR. * * *.
10/13/04	32	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Majid Mahmoud Ahmed by GEORGE W. BUSH JR. * * *.
		* * *
10/13/04	33	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Sadeq Mohammed Said by GEORGE W. BUSH JR. * * *.
10/14/04	34	ANSWER to Complaint/Petition for Writ of Habeas Corpus by Petitioner Makhtar Yahia Naji Al-Wrafie by GEORGE W. BUSH JR. * * *.
10/14/04	35	ANSWER to Complaint/Petition for Writ of Habeas Corpus by Petitioner Yasein Khasem Mohammad Esmail by GEORGE W. BUSH JR. * * *.
		* * *
10/15/04	36	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Jamal Mar'i by GEORGE W. BUSH JR. * * *.
		* * *
10/19/04	38	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Adnan Farhan Abdul Latif by GEORGE W. BUSH JR. * * *.
		* * *
10/20/04	42	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Abdulmalik Abdulwahhab Al-Rahabi by GEORGE W. BUSH JR. * * *.

Date	No.	Proceeding
		* * *
10/21/04	45	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Mohamed Mohamed Hassan Odaini by GEORGE W. BUSH JR. * * *.
		* * *
11/06/04	58	Memorandum in opposition to motion re 22 filed by MAHMOAD ABDAH * * *
		* * *
11/08/04	60	AMENDED PROTECTIVE ORDER and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba. Signed by Judge Joyce Hens Green on 11-08-04.
		* * *
11/16/04	73	REPLY to opposition to motion re 22 to dismiss or for judgment as a matter of law filed by GEORGE W. BUSH JR. * * *.
		* * *
11/26/04	78	Memorandum in opposition to motion re 22 Supplemental Memorandum in Opposition to Motion to Dismiss filed by MAHMOAD ABDAH * * *.
		* * *
01/31/05	101	MEMORANDUM OPINION DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW. Signed by Judge Joyce Hens Green on 01-31-05.
01/31/05	102	ORDER DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW AND REQUESTING BRIEFING ON THE FUTURE PROCEEDINGS IN THESE CASES. Signed by Judge Joyce Hens Green on 01-31-05.

Date	No.	Proceeding
02/03/05	103	MOTION for Certification of Orders for Interlocutory Appeal (and for stay—see separate docket entry) by GEORGE W. BUSH, JR * * *.
02/03/05	104	MOTION to Stay (and for certification of orders for interlocutory appeal—see separate docket entry) by GEORGE W. BUSH, JR * * *.
02/03/05	105	NOTICE of Filing of Petitioners' Joint Submission Regarding How These Cases Should Proceed by MAHMOAD ABDAH re 102 Order
02/03/05	106	ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS' MOTION FOR CERTIFICATION OF JANUARY 31, 2005 ORDERS AND FOR STAY. Signed by Judge Joyce Hens Green on 02-03-05.
02/07/05	107	MEMORANDUM to 102.
		* * *
02/07/05	110	MOTION for Reconsideration re 106 Order on Motion for Miscellaneous Relief, Order on Motion to Stay by MAHMOUD AHMED * * *.
02/07/05	111	ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER GRANTING STAY PENDING APPEAL. Signed by Judge Joyce Hens Green on 02-07-05.
		* * *
03/14/05	123	NOTICE OF APPEAL as to 101 Order on Motion to Dismiss, 102 Order by GEORGE W. BUSH, JR * * *.
03/14/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 123 Notice of Appeal
		* * *
03/17/05	128	NOTICE of Filing: Amended Unclassified Version of Memorandum Opinion Denying In Part

Date	No.	Proceeding
		And Granting In Part Respondents Motion To Dismiss by GEORGE W. BUSH, JR * * *.
		* * *
03/21/05	133	ORDER of USCA (certified copy) as to 123 Notice of Appeal filed by GEORGE W. BUSH, JR. * * *; Ordered that the petition and cross-petition for interlocutory appeal be granted; and that the motion to expedite be granted, setting briefing schedule; and that the District Court is directed to file two copies of the Order as separate notices of appeal.
03/21/05	134	NOTICE OF APPEAL as to 101 Order on Motion to Dismiss, 102 Order by GEORGE W. BUSH, JR * * *.
03/21/05	135	NOTICE OF APPEAL as to 101 Order on Motion to Dismiss, 102 Order by MAHMOUD AHMED * * *.
		* * *
03/21/05	137	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by MAHMOUD AHMED * * *.
		* * *
03/23/05	141	SUPPLEMENTAL MEMORANDUM in Response to Abdah Petitioners' Notice of Supplemental Authority filed by GEORGE W. BUSH, JR * * *.
		* * *
01/04/06	167	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by respondents GEORGE WALKER BUSH * * *.
		* * *
07/31/06	184	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by ALL PETITIONERS.
		* * *
04/19/07	203	MOTION to Dismiss by Respondents.
		* * *

Date	No.	Proceeding
05/04/07	206	Memorandum in opposition to re 203 MOTION to Dismiss filed by ALL PETITIONERS.
05/14/07	207	REPLY to opposition to motion re 203 MOTION to Dismiss filed by GEORGE W. BUSH, JR * * *.
		* * *
07/03/07	215	MANDATE of USCA (certified copy) as to (137 in 1:04-cv-01144-RWR) Notice of Appeal filed by KATHLEEN MUBANGA * * *, (106 in 1:04-cv-01136-JDB) Notice of Appeal filed by FATMAH ELSAMNAH, OMAR KHADR, (109 in 1:02-cv-01130-CKK) Notice of Appeal filed by MAMDOUH HABIB, MAHA HABIB, (151 in 1:04-cv-01254-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (125 in 1:04-cv-01194-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (97 in 1:04-cv-01135-ESH) Notice of Appeal filed by NELSON J. CANNON * * *, (108 in 1:04-cv-01227-RBW) Notice of Appeal, filed by SALAH ABDUL RASOOL AL BLOUSHI * * *, USCA Case Number, (169 in 1:02-cv-00299-CKK) Notice of Appeal filed by TERRY HICKS * * *, (107 in 1:04-cv-01137-RMC) Notice of Appeal filed by SALLY BEGG * * *, (82 in 1:04-cv-01164-RBW) Notice of Appeal filed by FALEN GHEREBI Associated Cases: 1:02-cv-00299-CKK et al.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

04-cv-1227

ISA ALI ABDULLA ALMURBATI, *et al.*
Petitioners,

v.

GEORGE WALKER BUSH, *et al.*
Respondents.

DOCKET ENTRIES

Date	No.	Proceeding
07/22/04	1	PETITION for Writ of Habeas Corpus (Filing fee $ 5.) filed by ABDUL RASOOL ALI AL BLOUSHI, SALAH ABDUL RASOOL AL BLOUSHI, ISA ALI ABDULLA ALMURBATI, MOHAMAD ALI ABDULLA ALMURBATI, ABDULLAH KAMEL ABDULLA HAJEE, ADEL KAMEL ABDULLA HAJEE.[1]
		* * *
08/11/04	3	APPLICATION for , Amended Petition for Writ of Habeas Corpus by ABDUL RASOOL ALI AL BLOUSHI * * *.
		* * *
10/04/04	22	MOTION to Dismiss or for Judgment as a Matter of Law and Response Pursuant to the Court's Sept. 20, 2004 Order by GEORGE WALKER BUSH * * *.
		* * *
10/13/04	27	RESPONSE to Petition for Writ of Habeas

[1] Clerk's notations (*e.g.*, list of attachments, "(jf) (Entered: 07/26/2004)") deleted from all entries.

Date	No.	Proceeding
		Corpus by Petitioner Adel Kamel Abdulla Hajee by GEORGE WALKER BUSH * * *.
10/14/04	28	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Salah Abdul Rasool Al Bloushi by GEORGE WALKER BUSH * * *.
10/14/04	29	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Jum'ah Mohammed Abdullatif Aldossari by GEORGE WALKER BUSH * * *.
10/14/04	30	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Isa Ali Abdulla Almurbati by GEORGE WALKER BUSH * * *.
		* * *
11/03/04	41	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Salman Bin Ibrahim Bin Mohammed Bin Ali Al-Kalifa by GEORGE WALKER BUSH * * *.
11/03/04	42	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Abdullah Majed Sayyah Hasan Alnoaimi by GEORGE WALKER BUSH * * *.
		* * *
11/16/04	50	Memorandum in opposition to motion re 22 dismissal of claims filed by ISA ALI ABDULLA ALMURBATI.
		* * *
11/08/04	52	AMENDED PROTECTIVE ORDER and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba. Signed by Judge Joyce Hens Green on 11-08-04.
		* * *
11/16/07	62	REPLY to opposition to motion re 22 to dismiss or for judgment as a matter of law filed by

Date	No.	Proceeding
		GEORGE WALKER BUSH * * *.
		* * *
12/30/04	78	RESPONSE to 1 Petition for Writ of Habeas Corpus by Petitioner Salman Bin Ibrahim Bin Mohammed Bin Ali Al-Kalifa (Amended Factual Return) and Notice of Submission of Amended Factual Return Under Seal filed by GEORGE WALKER BUSH * * *.
12/30/04	79	RESPONSE to 1 Petition for Writ of Habeas Corpus by Petitioner Abdullah Majed Sayyah Hasan Alnoaimi (Amended Factual Return) and Notice of Submission of Amended Factual Return Under Seal filed by GEORGE WALKER BUSH * * *.
		* * *
01/31/05	90	MEMORANDUM OPINION DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW. Signed by Judge Joyce Hens Green on 01-31-05.
01/31/05	91	ORDER DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW AND REQUESTING BRIEFING ON THE FUTURE PROCEEDINGS IN THESE CASES. Signed by Judge Joyce Hens Green on 01-31-05.
02/03/05	92	MOTION Certification of Orders for Interlocutory Appeals (and for stay—see separate docket entry) by GEORGE WALKER BUSH * * *
02/03/05	93	MOTION to Stay (and for certification of orders for interlocutory appeal—see separate docket entry) by GEORGE WALKER BUSH * * *.
02/03/05	94	NOTICE of Filing of Petitioners' Joint Submission Regarding How These Cases Should Pro-

Date	No.	Proceeding
		ceed by ISA ALI ABDULLA ALMURBATI re 91 Order
02/03/05	95	ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS" MOTION FOR CERTIFICATION OF JANUARY 31, 2005 ORDERS AND FOR STAY. Signed by Judge Joyce Hens Green on 02-03-05.
02/03/05	96	MEMORANDUM to 91.
02/03/05	97	MEMORANDUM to 91.
02/08/05	98	ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER GRANTING STAY PENDING APPEAL. Signed by Judge Joyce Hens Green on 02-08-05.
		* * *
03/14/05	100	NOTICE OF APPEAL as to 89 Order on Motion for Miscellaneous Relief by GEORGE WALKER BUSH * * *.
03/16/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 100 Notice of Appeal
		* * *
03/17/05	105	NOTICE of Filing: Amended Unclassified Version of Memorandum Opinion Denying In Part And Granting In Part Respondents Motion To Dismiss by GEORGE WALKER BUSH * * *.
03/21/05	106	ORDER of USCA (certified copy) as to 100 Notice of Appeal filed by GEORGE WALKER BUSH * * *; Ordered that the petition and cross-petition for interlocutory appeal be granted; and that the motion to expedite be granted, setting briefing schedule; and that the District Court is directed to file two copies of the Order as separate notices of appeal.

Date	No.	Proceeding
03/21/05	107	NOTICE OF APPEAL as to 90 Order on Motion to Dismiss, 91 Order by GEORGE WALKER BUSH * * *.
03/21/05	108	NOTICE OF APPEAL as to 90 Order on Motion to Dismiss, 91 Order by SALAH ABDUL RASOOL AL BLOUSHI * * *.
		* * *
03/30/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 107 Notice of Appeal * * *
03/30/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 108 Notice of Appeal * * *
		* * *
01/04/06	146	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by respondents GEORGE WALKER BUSH * * *.
		* * *
01/31/07	172	ORDER. This matter is administratively closed until such time as the District of Columbia Circuit resolves the jurisdictional questions raised by the Military Commissions Act of 2006. Signed by Judge Reggie B. Walton on January 31, 2007.
04/19/07	173	MOTION to Dismiss by Respondents.
		* * *
05/07/07	175	Memorandum in opposition to 173 MOTION to Dismiss filed by ISA ALI ABDULLA AL-MURBATI.
05/14/07	176	REPLY to opposition to motion re 173 MOTION to Dismiss filed by GEORGE WALKER BUSH * * *.
		* * *
07/03/07	180	MANDATE of USCA (certified copy) as to (137 in 1:04-cv-01144-RWR) Notice of Appeal filed

Date	No.	Proceeding
		by KATHLEEN MUBANGA * * *, (106 in 1:04-cv-01136-JDB) Notice of Appeal filed by FATMAH ELSAMNAH, OMAR KHADR, (109 in 1:02-cv-01130-CKK) Notice of Appeal filed by MAMDOUH HABIB, MAHA HABIB, (151 in 1:04-cv-01254-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (125 in 1:04-cv-01194-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (97 in 1:04-cv-01135-ESH) Notice of Appeal filed by NELSON J. CANNON * * *, (108 in 1:04-cv-01227-RBW) Notice of Appeal, filed by SALAH ABDUL RASOOL AL BLOUSHI * * *, USCA Case Number, (169 in 1:02-cv-00299-CKK) Notice of Appeal filed by TERRY HICKS * * *, (107 in 1:04-cv-01137-RMC) Notice of Appeal filed by SALLY BEGG * * *, (82 in 1:04-cv-01164-RBW) Notice of Appeal filed by FALEN GHEREBI Associated Cases: 1:02-cv-00299-CKK et al.

* * *

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

02-cv-0828

KHALED A. F. AL ODAH, *et al.*
Plaintiffs,

v.

UNITED STATES, *et al.*
Defendants.

DOCKET ENTRIES

Date	No.	Proceeding
05/01/02	1	COMPLAINT filed by plaintiffs FAWZI KHALID AL ODAH, KHALED A. F. AL ODAH, OMAR RAJAB AMIN, MOHAMMD R. M. R. AMEEN, NASSER AL MUTAIRI, NAYEF N. N. B. J. AL MUTAIRI, KHALID ABDULLAH MISHAL AL MUTAIRI, MESHAL A. M. TH AL MUTAIRI, MANSOUR K. A. KAMEL, ABDULAZIZ SAYER OWAIN AL SHAMMARI, ABDULLAH SALEH ALI AL AJMI, MESFER SALEH ALI AL AJMI, MUBARA F. S. M. AL DAIHANI, FAYIZ MOHAMMED AHMED AL KANDARI, MOHAMMAD A. J. M. H. AL KANDARI, FWAD MAHMOUD AL RABIAH, MONZER M. H. A. AL RABIEAH, ADIL ZAMIL ABDULL MOHSSIN AL ZAMIL, WALID Z. A. AL ZAMEL[5]

* * *

[5] Clerk's notations (*e.g.*, list of attachments, "(bcs) (Entry date 05/06/02)") deleted from all entries.

Date	No.	Proceeding
07/08/02	22	AMENDED COMPLAINT by plaintiffs adding plaintiff SAAD MADAI SAAD HAWASH AL-AZMI, HAMAD MADAI SAAD, and amending complaint [1-1].
		* * *
07/30/02	30	ORDER by Judge Colleen Kollar-Kotelly: granting motion to dismiss first amended petition for writ of habeas corpus [25-1] [26-1] by TERRY CARRICO * * * in 1:02-cv-00299. Granting motion to dismiss plaintiffs' motion for preliminary injunction [9-1] and complaint [1-1]. [15-1] by federal defendants in 1:02-cv-00828. RASUL v BUSH, 02cv299, and ODAH v. UNITED STATES, 02cv828, are dismissed with prejudice.
		* * *
08/02/02	32	NOTICE OF APPEAL by plaintiffs in 1:02-cv-00828 from order [30-1] * * *. (COPY) Modified on 08/08/02
		* * *
09/09/02		NOTICE OF APPEAL by petitioners SHAFIQ RASUL in 1:02-cv-00299 * * * from order [43-1], order [41-1] * * *.
		* * *
07/02/03	34	CERTIFIED COPY of judgment filed in USCA dated 3/11/03, on appeal [32-1], affirming the judgment of USDC. USCA # 02-5251
		* * *
07/19/04	42	USCA JUDGMENT (certified copy) reversing and remanding case to district court as to 44 Notice of Appeal filed by DAVID HICKS * * *; USCA # 02-5251
07/21/04	56	MANDATE of USCA (certified copy) as to 44 Notice of Appeal filed by DAVID HICKS * * *. It is hereby ordered and adjudged that the judgments of the District Court appealed from in these causes are hereby affirmed; USCA #03-5198

Date	No.	Proceeding
		* * *
07/26/04	40	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on July 26, 2004.
07/26/04	41	ORDER of USCA (certified copy) that the court's mandate issued 6/23/03 be recalled; USCA # 02-5251
		* * *
07/27/04	44	APPLICATION for Writ of Habeas Corpus by FAWZI KHALID ABDULLAH FAHAD AL ODAH.
		* * *
07/30/04	46	MEMORANDUM—Response to Complaint In Accordance With Court's Order of July 25, 2004 from Respondents.
		* * *
08/04/04	48	MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANTS' "RESPONSE TO COMPLAINT."
		* * *
08/09/04	51	REPLY Memorandum in Further Support of Reponse to Complaint filed by RICK BACCUS * * *.
		* * *
09/17/04	85	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Abdullah Saleh Ali Al Ajmi by RICK BACCUS * * *.
09/17/04	86	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Adil Zamil Abdull Mohssin Al Zamil by RICK BACCUS * * *.
		* * *
09/24/04	92	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Nasir Najr Nasir Balud Al Mutayri by RICK BACCUS * * *.
		* * *
09/27/04	94	ANSWER to Complaint /Petition for Writ of

Date	No.	Proceeding
		Habeas Corpus by Petitioner Sa'ad Madhi Sa'ad Ha Wash Al-Azmi by RICK BACCUS * * *.
		* * *
10/04/04	100	MOTION to Dismiss or for Judgment as a Matter of Law and Response Pursuant to the Court's Sept. 20, 2004 Order by JOHN D. ALTENBURG JR. * * *.
		* * *
10/08/04	104	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Fawzi Khalid Abdullah Fahad Al Odah by RICK BACCUS * * *.
		* * *
10/12/04	108	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Fwad Mahmoud Al Rabiah by RICK BACCUS * * *.
		* * *
10/13/04	109	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Abdullah Kamal Abdullah Kamal Al Kandari by RICK BACCUS * * *.
10/13/04	110	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Khalid Abdullah Mishal Al Mutairi by RICK BACCUS * * *.
10/14/04	111	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Mohammed Funaitel Al Dihani by RICK BACCUS * * *.
		* * *
10/18/04	113	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Abdulaziz Sayer Owain Al Shammari by RICK BACCUS * * *
		* * *
10/20/04	116	ORDER DENYING the Government's motion 46 to conduct real time monitoring of meetings be-

Date	No.	Proceeding
		tween counsel and Petitioners Mohammed Ahmed al Kandari, Fawzi Khalid Abdullah Fahad al Odah, and Khalid Abdullah Mishal al Mutairi, and to conduct a classification review of notes taken during these meetings and of legal mail sent between these Petitioners and counsel, contingent on Petitioners' compliance with the framework set out by the Court at the August 16, 2004, hearing, and to which Petitioners agreed. Signed by Judge Colleen Kollar-Kotelly on October 20, 2004.
10/20/04	117	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on October 20, 2004.
10/20/04	118	RESPONSE to the Government's "Response to Petition for Writ of Habeas Corpus and Motion to Dismiss" filed by FAWZI KHALID ABDULLAH FAHAD AL ODAH.
		* * *
10/22/04	124	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Fayiz Mohammed Ahmed Al Kandari by RICK BACCUS * * *.
		* * *
10/27/04	127	REPLY Memorandum in Support of Respondents' Motion to Dismiss or for Judgment as a Matter of Law filed by RICK BACCUS * * *.
		* * *
11/03/04	133	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Omar Rajab Amin by RICK BACCUS * * *.
		* * *
11/08/04	141	AMENDED PROTECTIVE ORDER and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba. Signed by Judge Joyce Hens Green on 11-08-04.

Date	No.	Proceeding
		* * *
12/16/04	170	CROSS MOTION for Summary Judgment by RICK BACCUS * * *.
		* * *
12/30/04	173	RESPONSE to [1], [22] Petition for Writ of Habeas Corpus by Petitioner Omar Rajab Amin (Amended Factual Return) and Notice of Submission of Amended Factual Return Under Seal filed by UNITED STATES OF AMERICA * * *.
		* * *
01/31/05	188	MEMORANDUM OPINION DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW. Signed by Judge Joyce Hens Green on 01-31-05.
01/31/05	189	ORDER DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW AND REQUESTING BRIEFING ON THE FUTURE PROCEEDINGS IN THESE CASES. Signed by Judge Joyce Hens Green on 01-31-05.
		* * *
02/03/05	192	MOTION for Certification of Orders for Interlocutory Appeal (and for Stay—see separate docket entry) by TERRY CARRICO * * *.
		* * *
02/07/05	207	NOTICE OF APPEAL as to 196 Order on Motion for Miscellaneous Relief, Order on Motion to Stay, 204 Order on Motion for Reconsideration by MANSOUR K. A. KAMEL * * *.
		* * *
03/14/05	229	NOTICE OF APPEAL as to 187 Order on Motion for Miscellaneous Relief, 188 Order on Motion to Dismiss by UNITED STATES OF

Date	No.	Proceeding
		AMERICA * * *.
		* * *
03/17/05	218	NOTICE of Filing: Amended Unclassified Version of Memorandum Opinion Denying In Part And Granting In Part Respondents' Motion To Dismiss by TERRY CARRICO * * *.
		* * *
03/21/05	220	ORDER of USCA (certified copy) as to 207 Notice of Appeal, filed by KHALED A.F. AL ODAH * * *; Ordered that the petition and cross-petition for interlocutory appeal be granted; and that the motion to expedite be granted, setting briefing schedule; and that the District Court is directed to file two copies of the Order as separate notices of appeal.
03/21/05	221	NOTICE OF APPEAL as to 188 Order on Motion to Dismiss, 189 Order by UNITED STATES OF AMERICA * * *.
03/21/05	222	NOTICE OF APPEAL as to 188 Order on Motion to Dismiss, 189 Order by MANSOUR K. A. KAMEL * * *.
		* * *
01/04/06	282	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by respondents GEORGE WALKER BUSH * * *.
02/21/06	283	NOTICE of Filing by FAWZI KHALID ABDULLAH FAHAD AL ODAH
		* * *
04/19/07	320	MOTION to Dismiss by Respondents.
04/26/07	321	Memorandum in opposition to re 320 MOTION to Dismiss filed by FAWZI KHALID ABDULLAH FAHAD AL ODAH.
05/07/07	322	REPLY to opposition to motion re 320 MOTION to Dismiss filed by UNITED STATES

Date	No.	Proceeding
		OF AMERICA * * *.
		* * *
07/03/07	324	MANDATE of USCA (certified copy) vacating cases and dismissing for lack of jurisdiction as to 222 Notice of Appeal filed by FWAD MAHMOUD AL RABIAH * * *, 207 Notice of Appeal filed by FWAD MAHMOUD AL RABIAH * * *, 221 Notice of Appeal filed by UNITED STATES OF AMERICA * * *, 229 Notice of Appeal filed by UNITED STATES OF AMERICA * * *. USCA #'s 05-5064; 05-5095; 05-5096; and 05-5117.
		* * *

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

04-cv-1194

SUHAIL ABDU ANAM, *et al.*
Petitioners,

v.

GEORGE W. BUSH, JR., *et al.*
Respondents.

DOCKET ENTRIES

Date	No.	Proceeding
07/15/04	1	PETITION for Writ of Habeas Corpus filed by ATAG ALI ABDOH, FAHMI ABDULLAH AHMED, KMAL ABDULLAH AHMED, ABDULLAH AHMED MOHAMMED AL RAZEHI, ALI AHMED MOHAMMED AL RAZEHI, ABDUALAZIZ ABDOH AL SWIDI, ABDULKHALIQ AL-BAIDHANI, KHALID AL-BAIDHANI, MASAAB OMAR AL-MADHWANI, SAEED AHMED AL-SARIM, SAMIR AHMED AL-SARIM, ABDULLAH AHMED UBAD AL-TAWLAQI, FAHMI ABDULLAH UBAD AL-TAWLAQI, AL HUSSIN AL-TIS, HADI HUSSIN AL-TIS, BISHER NASER ALI ALMARWALH, HUISSEN NASER ALI ALMARWALH, ADNAN ABDOH ALSWIDI, FAEZ BIN AMER, JALAL SALIM BIN AMER, MOHAMED ABDU ANAM, SUHAIL ABDU ANAM, AMRO ABDULLAH HASSAN, IMAD ABDULLAH HASSAN, FADHLE AHMED KASSIM, KHALID AHMED KAS-

Date	No.	Proceeding
		SIM, ALI OMAR MADHWANI, ALI YAHYA MAHDI, MOHAMED YAHYA MAHDI[6]
09/17/04	15	RESPONSE to 1 Petition for Writ of Habeas Corpus by Petitioner Atag Ali Abdoh Al-Haj by GEORGE W. BUSH JR. * * *.
		* * *
10/01/04	22	AMENDED PETITION for Writ of Habeas Corpus filed by ATAG ALI ABDOH AL HAG * * *.
10/01/04	23	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Bisher Naser Ali Almarwalh by GEORGE W. BUSH JR. * * *.
		* * *
10/04/04	25	MOTION to Dismiss or for Judgment as a Matter of Law and Response Pursuant to the Court's Sept. 20, 2004 Order by GEORGE W. BUSH JR. * * *.
		* * *
10/06/04	27	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Abdulkhaliq Al-Baidhani by GEORGE W. BUSH JR. * * *.
10/06/04	28	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Saeed Ahmed Al-Sarim by GEORGE W. BUSH JR. * * *.
10/06/04	29	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Abdualalaziz Abdoh Al Swidi by GEORGE W. BUSH JR. * * *.
10/06/04	30	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Suhail Abdu Anam by GEORGE W. BUSH JR. * * *.

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[6] Clerk's notations (*e.g.*, list of attachments, "(rje) (Entry date: 07/19/04) [1:04cv1194]") deleted from all entries.

Date	No.	Proceeding
10/06/04	31	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Ali Hussin Al-Tis by GEORGE W. BUSH JR. * * *.
10/06/04	32	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Ali Yahya Madhi Al Raimi by GEORGE W. BUSH JR. * * *.
10/06/04	33	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Musaab Omar Al-Madhwani by GEORGE W. BUSH JR. * * *.
10/06/04	34	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Khalid Ahmed Kassim by GEORGE W. BUSH JR. * * *.
		* * *
10/12/04	39	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Imad Abdullah Hassan by GEORGE W. BUSH JR. * * *.
		* * *
10/13/04	40	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Jalal Salim Bin Amer by GEORGE W. BUSH JR. * * *
10/14/04	41	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Ali Ahmed Mohammed Al Razehi by GEORGE W. BUSH JR. * * *.
10/14/04	42	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Fahmi Abdullah Ahmed by GEORGE W. BUSH JR. * * *.
		* * *
11/06/04	58	Memorandum in opposition to motion re 25 Respondents' Motion to Dismiss Petitions filed by ATAG ALI ABDOH * * *.
		* * *
11/08/04	60	AMENDED PROTECTIVE ORDER and Procedures for Counsel Access to Detainees at the

Date	No.	Proceeding
		United States Naval Base in Guantanamo Bay, Cuba. Signed by Judge Joyce Hens Green on 11-08-04.
		* * *
11/16/04	68	REPLY to opposition to motion re 25 to dismiss or for judgment as a matter of law filed by GEORGE W. BUSH JR. * * *.
		* * *
01/31/05	95	MEMORANDUM OPINION DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW. Signed by Judge Joyce Hens Green on 01-31-05.
01/31/05	96	ORDER DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW AND REQUESTING BRIEFING ON THE FUTURE PROCEEDINGS IN THESE CASES. Signed by Judge Joyce Hens Green on 01-31-05.
02/03/05	97	MOTION for Certification of Orders for Interlocutory Appeal (and for stay—see separate docket entry) by GEORGE W. BUSH, JR * * *.
02/03/05	98	MOTION to Stay (and for certification of orders for interlocutory appeal—see separate docket entry) by GEORGE W. BUSH, JR * * *.
02/03/05	99	NOTICE of Filing of Petitioners' Joint Submission Regarding How These Cases Should Proceed by SUHAIL ABDU ANAM re 96 Order
02/03/05	100	ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS' MOTION FOR CERTIFICATION OF JANUARY 31, 2005 ORDERS AND FOR STAY. Signed by Judge Joyce Hens Green on 02-03-05.

Date	No.	Proceeding
02/03/05	101	MEMORANDUM to 96.
02/08/05	102	ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER GRANTING STAY PENDING APPEAL. Signed by Judge Joyce Hens Green on 02-08-05.
		* * *
03/14/05	108	NOTICE OF APPEAL as to 96 Order, 95 Order on Motion to Dismiss by GEORGE W. BUSH, JR * * *.
03/14/05	–	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 108 Notice of Appeal
03/17/05	109	NOTICE of Filing: Amended Unclassified Version of Memorandum Opinion Denying In Part And Granting In Part Respondents Motion To Dismiss by GEORGE W. BUSH, JR * * *.
03/21/05	110	ORDER of USCA (certified copy) as to 108 Notice of Appeal filed by GEORGE W. BUSH, JR. * * *; Ordered that the petition and cross-petition for interlocutory appeal be granted; and that the motion to expedite be granted, setting briefing schedule; and that the District Court is directed to file two copies of the Order as separate notices of appeal.
03/21/05	111	NOTICE OF APPEAL as to 96 Order, 95 Order on Motion to Dismiss by GEORGE W. BUSH, JR * * *
03/21/05	112	NOTICE OF APPEAL as to 96 Order, 95 Order on Motion to Dismiss by BISHER NASER ALI ALMARWALH * * *.
03/30/05	–	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 114 Notice of Appeal

Date	No.	Proceeding
03/30/05	–	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 112 Notice of Appeal
		* * *
05/09/05	119	Order granting 116 petitioner's motion for preliminary injunction. Signed by Judge Henry H. Kennedy, Jr., on May 9, 2005.
		* * *
06/10/05	125	NOTICE OF APPEAL as to 119 Order on Motion for Preliminary Injunction by GEORGE W. BUSH, JR * * *
06/13/05	–	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 125 Notice of Appeal
		* * *
08/30/05	130	Further Amended PETITION for Writ of Habeas Corpus filed by BISHER NASER ALI ALMARWALH * * *
		* * *
01/04/06	137	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by respondents GEORGE WALKER BUSH * * *
		* * *
03/16/06	142	Order Staying Case. Signed by Judge Henry H. Kennedy, Jr., on March 16, 2006.
		* * *
04/19/07	176	MOTION to Dismiss by Respondents.
05/03/07	177	NOTICE of Filing of Petitioners' Opposition to Respondents' Motion to Dismiss and Cross-Motion for Alternative Relief by BISHER NASER ALI ALMARWALH * * *
05/07/07	178	Memorandum in opposition to re 176 MOTION to Dismiss filed by BISHER NASER ALI

Date	No.	Proceeding
		ALMARWALH * * *.
05/07/07	179	CROSS-MOTION for Alternative Relief by ALL PETITIONERS * * *.
05/11/07	180	REPLY to opposition to motion re 176 MOTION to Dismiss filed by GEORGE W. BUSH, JR * * *.
05/11/07	181	Memorandum in opposition to re [179] MOTION CROSS-MOTION for Alternative Relief filed by GEORGE W. BUSH, JR * * *.
07/03/07	183	MANDATE of USCA (certified copy) as to (137 in 1:04-cv-01144-RWR) Notice of Appeal filed by KATHLEEN MUBANGA * * *, (106 in 1:04-cv-01136-JDB) Notice of Appeal filed by FATMAH ELSAMNAH, OMAR KHADR, (109 in 1:02-cv-01130-CKK) Notice of Appeal filed by MAMDOUH HABIB, MAHA HABIB, (151 in 1:04-cv-01254-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (125 in 1:04-cv-01194-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (97 in 1:04-cv-01135-ESH) Notice of Appeal filed by NELSON J. CANNON * * *, (108 in 1:04-cv-01227-RBW) Notice of Appeal, filed by SALAH ABDUL RASOOL AL BLOUSHI * * *, USCA Case Number, (169 in 1:02-cv-00299-CKK) Notice of Appeal filed by TERRY HICKS * * *, (107 in 1:04-cv-01137-RMC) Notice of Appeal filed by SALLY BEGG * * *, (82 in 1:04-cv-01164-RBW) Notice of Appeal filed by FALEN GHEREBI Associated Cases: 1:02-cv-00299-CKK et al.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

04-cv-1144

JAMIL EL-BANNA, *et al.*
Petitioners,

v.

GEORGE W. BUSH, JR., *et al.*
Respondents.

DOCKET ENTRIES

Date	No.	Proceeding
07/06/04	1	PETITION for Writ of Habeas Corpus (Filing fee $ 5.) filed by BISHER AL-RAWI, JAMIL EL-BANNA, JAHIDA SAYYADI, SABAH SUNNRQROUT.[1]
07/08/04	2	FIRST AMENDED PETITION for Writ of Habeas Corpus filed by BISHER AL-RAWI * * *.
07/22/04	3	MOTION for Writ of Habeas Corpus Pursuant to 28 U.S.C. 2243, or, Alternatively, to Issue an Order to Show Cause by BISHER AL-RAWI * * *.
		* * *
07/23/04	5	SUPPLEMENTAL MEMORANDUM to Motion for the Immediate Issuance of a Writ of Habeas Corpus from Petitioners.
		* * *
10/04/04	41	MOTION to Dismiss or for Judgment as a Matter of Law and Response Pursuant to the Court's Sept. 20, 2004 Order by GEORGE W.

[1] Clerk's notations (*e.g.*, list of attachments, "(jf,) (Entered: 07/09/2004)") deleted from all entries.

Date	No.	Proceeding
		BUSH JR., NELSON J. CANNON, JAY HOOD, DONALD RUMSFELD.
		* * *
10/21/04	53	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Bisher Al-Rawi by GEORGE W. BUSH JR. * * *.
10/21/04	54	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Jamil El-Banna by GEORGE W. BUSH JR. * * *.
		* * *
11/03/04	67	RESPONSE to Petition for Writ of Habeas Corpus by Petitioner Martin Mubanga by GEORGE W. BUSH JR. * * *.
		* * *
11/08/04	73	Memorandum in opposition to motion re 41 RESPONDENT'S MOTION TO DISMISS filed by BISHER AL-RAWI * * *.
		* * *
11/08/04	75	SUPPLEMENTAL MEMORANDUM REPLY AND OPPOSITION TO THE GOVERNMENT'S RESPONSE TO PETITIONS FOR WRIT OF HABEAS CORPUS AND MOTION TO DISMISS OR FOR JUDGEMENT AS A MATTER OF LAW from PETITIONERS BOUMEDIENE AND EL-BANNA.
		* * *
11/08/04	77	AMENDED PROTECTIVE ORDER and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba. Signed by Judge Joyce Hens Green on 11-08-04.
		* * *
11/16/04	86	REPLY to opposition to motion re 41 to dismiss or for judgment as a matter of law filed by

Date	No.	Proceeding
		GEORGE W. BUSH JR. * * *.
		* * *
12/30/04	107	RESPONSE to 1, 2 Petition for Writ of Habeas Corpus by Petitioner Martin Mubanga (Supplement to the Factual Return) and Notice of Submission Under Seal filed by GEORGE W. BUSH, JR * * *.
		* * *
01/31/05	117	MEMORANDUM OPINION DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW. Signed by Judge Joyce Hens Green on 01-31-05.
01/31/05	118	ORDER DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW AND REQUESTING BRIEFING ON THE FUTURE PROCEEDINGS IN THESE CASES. Signed by Judge Joyce Hens Green on 01-31-05.
02/03/05	119	MOTION Certification of Orders for Interlocutory Appeal (and stay—see separate docket entry) by GEORGE W. BUSH, JR * * *.
02/03/05	120	MOTION to Stay (and for certification of orders for interlocutory appeal—see separate docket entry) by GEORGE W. BUSH, JR * * *.
02/03/05	121	NOTICE of Filing of Petitioners' Joint Submission Regarding How These Cases Should Proceed by JAMIL EL-BANNA re 118 Order
02/03/05	122	ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS' MOTION FOR CERTIFICATION OF JANUARY 31, 2005 ORDERS AND FOR STAY. Signed by Judge Joyce Hens Green on 02-03-05.

Date	No.	Proceeding
02/03/05	123	MEMORANDUM to 118.
02/08/05	124	ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER GRANTING STAY PENDING APPEAL. Signed by Judge Joyce Hens Green on 02-08-05.
		* * *
03/14/05	130	NOTICE OF APPEAL as to Court's 116 Order filed on 01/31/05 as to petitioners' motion for access to unredacted factual returns by GEORGE W. BUSH, JR * * *.
		* * *
03/16/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 130 Notice of Appeal
03/17/05	131	NOTICE of Filing: Amended Unclassified Version of Memorandum Opinion Denying In Part And Granting In Part Respondents Motion To Dismiss by GEORGE W. BUSH, JR * * *
		* * *
03/21/05	135	ORDER of USCA (certified copy) as to 130 Notice of Appeal filed by DONALD RUMSFELD * * *; Ordered that the petition and cross-petition for interlocutory appeal be granted; and that the motion to expedite be granted, setting briefing schedule; and that the District Court is directed to file two copies of the Order as separate notices of appeal.
03/21/05	136	NOTICE OF APPEAL as to 118 Order, 117 Order by GEORGE W. BUSH, JR * * *.
03/21/05	137	NOTICE OF APPEAL as to 118 Order, 117 Order by MARTIN MUBANGA * * *.
		* * *
03/30/05		Transmission of Notice of Appeal and Docket

Date	No.	Proceeding
		Sheet to US Court of Appeals re 136 Notice of Appeal
03/30/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 137 Notice of Appeal
		* * *
06/02/05	146	NOTICE OF INTERLOCUTORY APPEAL as to 141 Order on Motion for Preliminary Injunction, by GEORGE W. BUSH, JR * * *.
06/03/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 146 Notice of Interlocutory Appeal
		* * *
12/23/05		MINUTE ORDER: It is hereby ORDERED that because this case is stayed pending resolution of the appeals in In re Guantanamo Detainee Cases, 355 F. Supp. 2d 443 (D.D.C. 2005), appeal docketed, No. 05-8003 (D.C. Cir. March 10, 2005), and Khalid v. Bush et al., 355 F. Supp. 2d 311 (D.D.C. 2005), appeal docketed sub nom. Boumediene v. Bush et al., No. 05-5062 (D.C. Cir. March 10, 2005), this case be, and hereby is, ADMINISTRATIVELY CLOSED until the stay is lifted. While the case is administratively closed parties may still submit filings as permitted or required under the Court's orders. Issued by Judge Richard W. Roberts on 12/23/2005.
01/04/06	159	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by respondents GEORGE WALKER BUSH * * *.
		* * *
04/19/07	193	MOTION to Dismiss by Respondents.
		* * *
05/04/07	195	Memorandum in opposition to re 193 MOTION

Date	No.	Proceeding
		to Dismiss (Submitted to and Cleared by CSO) filed by JAMIL EL-BANNA.
		* * *
05/14/07	197	REPLY to opposition to motion re 193 MOTION to Dismiss filed by GEORGE W. BUSH, JR * * *.
07/03/07	200	MANDATE of USCA (certified copy) as to (137 in 1:04-cv-01144-RWR) Notice of Appeal filed by KATHLEEN MUBANGA * * *, (106 in 1:04-cv-01136-JDB) Notice of Appeal filed by FATMAH ELSAMNAH, OMAR KHADR, (109 in 1:02-cv-01130-CKK) Notice of Appeal filed by MAMDOUH HABIB, MAHA HABIB, (151 in 1:04-cv-01254-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (125 in 1:04-cv-01194-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (97 in 1:04-cv-01135-ESH) Notice of Appeal filed by NELSON J. CANNON * * *, (108 in 1:04-cv-01227-RBW) Notice of Appeal, filed by SALAH ABDUL RASOOL AL BLOUSHI * * *, USCA Case Number, (169 in 1:02-cv-00299-CKK) Notice of Appeal filed by TERRY HICKS * * *, (107 in 1:04-cv-01137-RMC) Notice of Appeal filed by SALLY BEGG * * *, (82 in 1:04-cv-01164-RBW) Notice of Appeal filed by FALEN GHEREBI Associated Cases: 1:02-cv-00299-CKK et al.
		* * *
07/03/07	199	SUPPLEMENTAL MEMORANDUM to re 195 Memorandum in Opposition to Motion to Dismiss filed by JAMIL EL-BANNA.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

02-cv-1130

MAMDOUH HABIB, *et al.*
Petitioners,

v.

GEORGE WALKER BUSH, *et al.*
Respondents.

DOCKET ENTRIES

Date	No.	Proceeding
06/10/02	1	PETITION filed by petitioners MAMDOUH HABIB, and MAHA HABIB for writ of habeas corpus[8]
		* * *
08/08/02	5	MEMORANDUM OPINION by Judge Colleen Kollar-Kotelly dismissing this case.
08/08/02	6	ORDER by Judge Colleen Kollar-Kotelly: dismissing petition for Writ of Habeas Corpus with prejudice for the reasons set forth in the Court's July 30, 2002, Memorandum Opinion filed in Rasul v. Bush, C.A. 02-0299, and Odah v. United States, C.A. 02-828.
09/09/02	7	NOTICE OF APPEAL by petitioner MAMDOUH HABIB, petitioner MAHA HABIB from order [6-1] * * *
		* * *
09/19/04	12	USCA JUDGMENT (certified copy) reversing and remanding case to district court as to [7]

[8] Clerk's notations (*e.g.*, list of attachments, "(bm) (Entered: 06/13/2002)") deleted from all entries.

Date	No.	Proceeding
		Notice of Appeal filed by MAMDOUH HABIB, MAHA HABIB; USCA # 02-5251
		* * *
10/04/04	31	MOTION to Dismiss or for Judgment as a Matter of Law and Response Pursuant to the Court's Sept. 20, 2004 Order by RICK BACCUS * * *.
10/06/04	32	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Mamdouh Habib by RICK BACCUS * * *.
		* * *
11/05/04	54	Memorandum in opposition to motion re 31 motion to dismiss and motion for judgment as matter of law filed by MAHA HABIB, MAMDOUH HABIB.
		* * *
11/08/04	57	AMENDED PROTECTIVE ORDER and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba. Signed by Judge Joyce Hens Green on 11-08-04.
		* * *
11/16/04	67	REPLY to opposition to motion re 31 to dismiss or for judgment as a matter of law filed by RICK BACCUS * * *.
		* * *
01/31/05	98	MEMORANDUM OPINION DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW. Signed by Judge Joyce Hens Green on 01-31-05.
01/31/05	99	ORDER DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW AND REQUESTING BRIEFING ON THE FUTURE PROCEED-

Date	No.	Proceeding
		INGS IN THESE CASES. Signed by Judge Joyce Hens Green on 01-31-05.
		* * *
02/03/05	101	MOTION to Stay (and for Certification of Orders for Interlocutory Appeal—see separate docket entry) by GEORGE WALKER BUSH * * *.
		* * *
03/14/05	106	NOTICE OF APPEAL as to 98 Order on Motion to Dismiss, 99 Order by GEORGE WALKER BUSH * * *.
03/14/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 106 Notice of Appeal
03/16/05	107	ORDER of USCA (certified copy) as to 106 Notice of Appeal filed by WILLIAM L. CLINE * * *, Notice of Appeal filed by MAMDOUH HABIB, MAHA HABIB; Ordered that the petition and cross-petition for interlocutory appeal be granted; and that the motion to expedite be granted, setting briefing schedule; and that the District Court is directed to file two copies of the Order as separate notices of appeal.
03/16/05	108	NOTICE OF APPEAL * * * by GEORGE WALKER BUSH * * *.
03/16/05	109	NOTICE OF APPEAL by MAMDOUH HABIB, MAHA HABIB.
03/17/05	110	NOTICE of Filing: Amended Unclassified Version of Memorandum Opinion Denying In Part And Granting In Part Respondents[']' Motion To Dismiss by GEORGE WALKER BUSH * * *
		* * *
04/19/07	123	MOTION to Dismiss by Respondents.
		* * *

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

04-cv-1135

MURAT KURNAZ, *et al.*
Petitioners,

v.

GEORGE W. BUSH, JR., *et al.*
Respondents.

DOCKET ENTRIES

Date	No.	Proceeding
07/02/04	1	PETITION FOR WRIT OF HABEAS CORPUS against GEORGE W. BUSH JR., NELSON J. CANNON, JAY HOOD, DONALD RUMSFELD filed by MURAT KURNAZ, RABIYE KURNAZ.[9]
		* * *
10/04/04	20	MOTION to Dismiss or for Judgment as a Matter of Law and Response Pursuant to the Court's Sept. 20, 2004 Order by GEORGE W. BUSH JR. * * *.
		* * *
10/18/04	25	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Murat Kurnaz by GEORGE W. BUSH JR. * * *.
		* * *
11/08/04	41	AMENDED PROTECTIVE ORDER and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo

[9] Clerk's notations (*e.g.*, list of attachments, "(Entered: 07/07/2004)") deleted from all entries.

Date	No.	Proceeding
		Bay, Cuba. Signed by Judge Green on 11-08-04.
		* * *
11/09/04	43	Memorandum in opposition to motion re 20 Dismiss Habeas Petition or for Judgment as Matter of Law filed by MURAT KURNAZ, RABIYE KURNAZ.
		* * *
11/16/04	52	REPLY to opposition to motion re 20 to dismiss or for judgment as a matter of law filed by GEORGE W. BUSH JR. * * *.
		* * *
01/31/05	69	MEMORANDUM OPINION DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW. Signed by Judge Green on 01-31-05.
01/31/05	70	ORDER DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW AND REQUESTING BRIEFING ON THE FUTURE PROCEEDINGS IN THESE CASES. Signed by Judge Green on 01-31-05.
02/03/05	71	MOTION for Certification of Orders for Interlocutory Appeal (and for Stay—see separate docket entry) by JAY HOOD * * *.
02/03/05	72	MOTION to Stay (and for Certification of Orders for Interlocutory Appeal—see separate docket entry) by JAY HOOD * * *.
02/03/05	73	NOTICE of Filing of Petitioners' Joint Submission Regarding How These Cases Should Proceed by MURAT KURNAZ * * *.
02/03/05	74	ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS' MOTION

Date	No.	Proceeding
		FOR CERTIFICATION OF JANUARY 31, 2005 ORDERS AND FOR STAY. Signed by Judge Green on 02-03-05.
02/03/05	75	MEMORANDUM to 70.
		* * *
02/07/05	77	Joint MOTION for Reconsideration re 74 Order on Motion for Miscellaneous Relief, Order on Motion to Stay Proceedings Pending Appeal by MURAT KURNAZ, RABIYE KURNAZ.
02/08/05	78	ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER GRANTING STAY PENDING APPEAL. Signed by Judge Green on 02-08-05.
02/16/05	79	ORDER administratively closing this matter pending resolution of appeal. Signed by Judge Huvelle on 2/16/05.
		* * *
03/15/05	84	NOTICE OF APPEAL as to Court's 68 Order filed on 01/31/05 granting petitioners' Motion for access to unredacted factual returns by JAY HOOD * * *.
		* * *
03/17/05	85	NOTICE of Filing: Amended Unclassified Version of Memorandum Opinion Denying In Part And Granting In Part Respondents Motion To Dismiss by JAY HOOD * * *.
03/21/05	86	ORDER of USCA (certified copy) as to 84 Notice of Appeal filed by GEORGE W. BUSH, JR. * * *; Ordered that the petition and cross-petition for interlocutory appeal be granted; and that the motion to expedite be granted, setting briefing schedule; and that the District Court is directed to file two copies of the Order as separate notices of appeal.

Date	No.	Proceeding
03/21/05	87	NOTICE OF APPEAL as to 69 Order on Motion to Dismiss, 70 Order by JAY HOOD * * *.
03/21/05	88	NOTICE OF APPEAL as to 69 Order on Motion to Dismiss, 70 Order by MURAT KURNAZ * * *.
		* * *
01/04/06	100	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by respondents GEORGE WALKER BUSH * * *.
		* * *

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

04-cv-1164

FALEN GHEREBI,
Petitioner,

v.

GEORGE WALKER BUSH, *et al.*
Respondents.

DOCKET ENTRIES

Date	No.	Proceeding
07/12/04	1	Case transferred from United States Court of Appeals for the Ninth Circuit; Case Number 03-55785[10]
		* * *
08/06/04	11	MOTION to Dismiss or for Judgment as a Matter of Law by GEORGE WALKER BUSH * * *.
		* * *
08/18/04	14	REPLY to opposition to motion re 11 Respondents' Motion to Dismiss or For Judgment as a Matter of Law filed by GEORGE WALKER BUSH * * *.
		* * *
09/13/04	19	SUPPLEMENTAL MEMORANDUM in Support of Motion to Dismiss (in Response to September 2, 2004 Order) from Respondents.
09/14/04	21	SUPPLEMENTAL MEMORANDUM by petitioner on jurisdiction/venue.
		* * *

[10] Clerk's notations (*e.g.*, list of attachments, "(jf,) (Entered: 07/14/2004)") deleted from all entries.

Date	No.	Proceeding
09/22/04	25	REPLY to 21 Respondents' Supplemental Reply Memorandum in Support of Motion to Dismiss (in Response to September 2, 2004 Order) filed by GEORGE WALKER BUSH * * *.
		* * *
09/29/04	27	ORDER Severing, Denying in Part 11 Motion to Dismiss and Confirming This Court as the Appropriate Forum for Resolution of Petition for Writ of Habeas Corpus. Signed by Judge Joyce Hens Green on 09/29/04.
		* * *
10/04/04	29	MOTION to Dismiss or for Judgment as a Matter of Law and Response Pursuant to the Court's Sept. 20, 2004 Order by GEORGE WALKER BUSH * * *
10/06/04	30	ANSWER to Complaint /Petition for Writ of Habeas Corpus by Petitioner Falen Gherebi by GEORGE WALKER BUSH * * *.
		* * *
11/08/04	47	AMENDED PROTECTIVE ORDER and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba. Signed by Judge Joyce Hens Green on 11-08-04.
		* * *
11/16/04	55	REPLY to opposition to motion re 29 to dismiss or for judgment as a matter of law filed by GEORGE WALKER BUSH * * *.
		* * *
01/31/05	69	MEMORANDUM OPINION DENYING IN PART AND GRANTING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW. Signed by Judge Joyce Hens Green on 01-31-05.
01/31/05	70	ORDER DENYING IN PART AND GRANT-

Date	No.	Proceeding
		ING IN PART RESPONDENTS' MOTION TO DISMISS OR FOR JUDGMENT AS A MATTER OF LAW AND REQUESTING BRIEFING ON THE FUTURE PROCEEDINGS IN THESE CASES. Signed by Judge Joyce Hens Green on 01-31-05.
02/03/05	71	MOTION for Certification of Orders for Interlocutory Appeal (and for stay—see separate docket entry) by GEORGE WALKER BUSH * * *.
02/03/05	72	MOTION to Stay (and for certification of orders for interlocutory appeal—see separate docket entry) by GEORGE WALKER BUSH * * *.
02/03/05	73	NOTICE of Filing of Petitioners' Joint Submission Regarding How These Cases Should Proceed by FALEN GHEREBI re 70 Order
02/03/05	74	ORDER GRANTING IN PART AND DENYING IN PART RESPONDENTS' MOTION FOR CERTIFICATION OF JANUARY 31, 2005 ORDERS AND FOR STAY. Signed by Judge Joyce Hens Green on 02-03-05.
02/03/05	75	MEMORANDUM to 70.
02/08/05	76	ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER GRANTING STAY PENDING APPEAL. Signed by Judge Joyce Hens Green on 02-08-05.
02/08/05	77	ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER GRANTING STAY PENDING APPEAL. Signed by Judge Joyce Hens Green on 02-08-05.
03/14/05	78	NOTICE OF APPEAL as to 68 Order on Motion for Miscellaneous Relief by GEORGE WALKER BUSH * * *.

Date	No.	Proceeding
03/16/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 78 Notice of Appeal
03/17/05	79	NOTICE of Filing: Amended Unclassified Version of Memorandum Opinion Denying In Part And Granting In Part Respondents Motion To Dismiss by GEORGE WALKER BUSH * * *.
03/21/05	80	ORDER of USCA (certified copy) as to 78 Notice of Appeal filed by GEORGE WALKER BUSH * * *; Ordered that the petition and cross-petition for interlocutory appeal be granted; and that the motion to expedite be granted, setting briefing schedule; and that the District Court is directed to file two copies of the Order as separate notices of appeal.
03/21/05	81	NOTICE OF APPEAL as to 69 Order on Motion to Dismiss, 70 Order by GEORGE WALKER BUSH * * *.
03/21/05	82	NOTICE OF APPEAL as to 69 Order on Motion to Dismiss, 70 Order by FALEN GHEREBI. * * *.
03/30/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 81 Notice of Appeal
03/30/05		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 82 Notice of Appeal
		* * *
01/04/06	85	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by respondents GEORGE WALKER BUSH * * *
		* * *
01/11/06	86	ORDER denying without prejudice all pending motions until such time as the District of Co-

Date	No.	Proceeding
		lumbia Circuit resolves the question of this Court's jurisdiction to adjudicate these cases; staying the action pending the jurisdictional ruling of the District of Columbia Circuit, signed by Judge Reggie B. Walton on 1/11/06.
		* * *
01/31/07	96	ORDER. This matter is administratively closed until such time as the District of Columbia Circuit resolves the jurisdictional questions raised by the Military Commissions Act of 2006. Signed by Judge Reggie B. Walton on 1/31/07. Modified on 2/1/2007.
		* * *
04/19/07	100	MOTION to Dismiss by Respondents.
07/03/07	101	MANDATE of USCA (certified copy) as to (137 in 1:04-cv-01144-RWR) Notice of Appeal filed by KATHLEEN MUBANGA * * *, (106 in 1:04-cv-01136-JDB) Notice of Appeal filed by FATMAH ELSAMNAH, OMAR KHADR, (109 in 1:02-cv-01130-CKK) Notice of Appeal filed by MAMDOUH HABIB, MAHA HABIB, (151 in 1:04-cv-01254-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (125 in 1:04-cv-01194-HHK) Notice of Appeal filed by NELSON J. CANNON * * *, (97 in 1:04-cv-01135-ESH) Notice of Appeal filed by NELSON J. CANNON * * *, (108 in 1:04-cv-01227-RBW) Notice of Appeal, filed by SALAH ABDUL RASOOL AL BLOUSHI * * *, USCA Case Number, (169 in 1:02-cv-00299-CKK) Notice of Appeal filed by TERRY HICKS * * *, (107 in 1:04-cv-01137-RMC) Notice of Appeal filed by SALLY BEGG * * *, (82 in 1:04-cv-01164-RBW) Notice of Appeal filed by FALEN GHEREBI Associated Cases: 1:02-cv-00299-CKK et al.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

05-5064

KHALED A. F. AL ODAH, *et al.*
Appellants,

v.

UNITED STATES, *et al.*
Appellees.

DOCKET ENTRIES

Date	Proceeding
03/07/05	CIVIL-US CASE docketed. Notice of Appeal filed by all of the Plaintiff/Appellants Khaled A. F. Al Odah, et al.[11]
	* * *
04/12/05	CLERK'S ORDER filed, on the court's own motion, that case No. 05-5064, & case Nos. 05-5095 through 05-5116 are consolidated as cross-appeals.
	* * *
04/27/05	OPENING BRIEF filed by United States of America, et al., in Nos. 05-5064, et al. * * *
04/27/05	JOINT APPENDIX (VOLUMES I-III) filed by United States of America, et al., in Nos. 05-5064, et al. * * *
	* * *
04/27/05	BRIEF filed by Amicus Curiae Washington Legal Foundation, and Allied Educational Fund in support of Federal Parties (United States of America, et al.) in Nos. 05-5064, et al. * * *

[11] Clerk's notations (*e.g.*, list of attachments, "[1881938-1]. (jth) [05-5064]") deleted from all entries.

Date	Proceeding
	* * *
05/25/05	SUPPLEMENTAL JOINT APPENDIX [PUBLIC VERSION] lodged by Appellees USA in 05-5064, George W. Bush * * *.
05/25/05	(CLASSIFIED) SUPPLEMENTAL JOINT APPENDIX filed by Appellees USA, et al., in Case Nos. 05-5064, et al. * * *
	* * *
05/27/05	BRIEF lodged by Movant-Amicus Curiae Omar Deghayes in support of appellees/cross-appellants in 05-5064. * * *
	* * *
05/27/05	BRIEF lodged by Movant-Amicus Curiae Wrld Orgn Rights USA in 05-5064. * * *
05/27/05	CLASSIFIED BRIEF filed by Guantanamo Detainees Khaled A. F. Al Odah, et al., in Case Nos. 05-5064, et al. * * *.
	* * *
06/10/05	[PUBLIC VERSION] BRIEF of the Guantanamo Detainees filed by Appellees-Plaintiffs Khaled A. F. Al Odah, et al. * * *.
	* * *
06/10/05	CORRECTED (CLASSIFIED) SUPPLEMENTAL APPENDIX (Volumes I-II) filed in Case Nos. 05-5064, et al. * * *
06/17/05	REPLY/CROSS-APPELLEE BRIEF filed by USA, et al., in case Nos. 05-5064, et al. * * *
06/28/05	REPLY BRIEF filed by Guantanamo Detainee Cross-Appellants Khaled A. F. Al Odah, et al., in case Nos. 05-5064, et al. * * *
	* * *
07/19/05	LETTER filed by Appellees USA, et al. pursuant to FRAP 28j advising of additional authorities. * * *
	* * *

Date	Proceeding
08/01/05	SUPPLEMENTAL (PUBLIC JOINT) APPENDIX filed by USA, et al., in Case Nos. 05-5064, et al. * * *
08/02/05	SUPPLEMENTAL BRIEF filed by USA, et al., in Nos. 05-5064, et al. * * *
	* * *
08/09/05	SUPPLEMENTAL BRIEF filed by The Guantanamo Detainees Khaled A. F. Al Odah, et al., in Nos. 05-5064, et al. * * *
	* * *
09/08/05	ORAL ARGUMENT HELD before Sentelle, Randolph, Rogers. * * *
09/13/05	LETTER filed by Appellants Khaled A. F. Al Odah, et al. identifying joint appendix citations at requested by the court at oral argument. * * *
09/15/05	LETTER filed by Appellees/Cross-Appellants George W. Bush et al. pursuant to FRAP 28j advising of additional authorities. * * *
	* * *
09/22/05	LETTER filed * * * by Appellants Khaled A. F. Al Odah, et al. in response to appellees' 9/15/05 letter. * * *
01/03/06	LETTER filed by Appellants Khaled A. F. Al Odah, et al. pursuant to FRAP 28j advising of additional authorities. * * *
	* * *
01/18/06	SUPPLEMENTAL BRIEF filed by Appellees George W. Bush, et al., in Nos. 05-5062, et al., and Appellees USA, et al., in Nos. 05-5064, et al. * * *
	* * *
01/20/06	(CORRECTED) SUPPLEMENTAL BRIEF LODGED by Washington Legal Foundation as Amicus Curiae in support of the Government Respo[d]nents in case Nos. 05-5062, et al., and Nos. 05-5064, et al. * * *
	* * *

Date	Proceeding
01/25/06	SUPPLEMENTAL BRIEF filed by Plaintiffs-Petitioners-Appellees /Cross-Appellants Khaled A. F. Al Odah, et al, in 05-5064, and 05-5095 through 05-5116. * * *
01/25/06	BRIEF filed by Amicus Curiae for Appellee Wrld Orgn For Human Rights USA in 05-5064 and 05-5064 through 05-5116. * * *
01/25/06	SUPPLEMENTAL BRIEF lodged by Movant-Amicus Curiae British and American Scholars Denis Galligan, et al in case Nos. 05-5062, et al, and Nos. 05-5064, et al. * * *
	* * *
01/27/06	PER CURIAM ORDER filed, on the court's own motion, scheduling these cases for oral argument before this panel on 3/22/06 at 9:30 a.m. to address the effect of the Detainee Treatment Act of 2005 on this court's jurisdiction in these cases (see order for citation); While not limited, the parties are directed to address the following question in their briefs: "Assuming this court determines it lacks jurisdiction over these cases by reason of the enactment of the Detainee Treatment Act of 2005, what is the appropriate disposition of the conflicting district court judgments entered before enactment of the statute?" * * *
02/17/06	SUPPLEMENTAL BRIEF filed by Federal Parties Addressing the Detainee Treatment Act of 2005 USA, et al * * *
02/17/06	BRIEF lodged by Movant-Amici Curiae-Appellee Lindsey Graham and Jon Kyl in 05-5064. * * * (NOTE: See 3/30/06 order; leave denied and this brief returned to movant)
	* * *
03/10/06	SECOND SUPPLEMENTAL BRIEF filed by Guantanamo/Detainee Appellants Khaled A. F. Al Odah, et al., in Nos. 05-5064, et al., (ADDRESSING THE EFFECT OF THE DETAINEE TREATMENT ACT

Date	Proceeding
	OF 2005 ON THIS COURT'S JURISDICTION OVER THE PENDING APPEALS). * * *
03/10/06	2ND SUPPLEMENTAL BRIEF in support of petitioner/appellants position on the jurisdictional impact of the detainee treatment Act of 2005 filed by Amicus Curiae in support of Detainee/Appellants' (World Organization for Human Rights USA) in No. 05-5064. * * *
	* * *
03/10/06	BRIEF LODGED by Movant-Amicus Curiae (British and American Habeas Scholars) Denis Galligan * * * in Case Nos. 05-5062, et al. and Nos. 05-5064, et al. * * *
	* * *
03/13/06	CORRECTED SECOND SUPPLEMENTAL BRIEF filed by Appellants Khaled A. F. Al Odah, et al., in Nos. 05-5064 * * *
	* * *
03/17/06	SUPPLEMENTAL REPLY BRIEF of The Federal Parties Filed by George W. Bush, et al., in case Nos. 05-5062, et al., and USA, et al., in case Nos. 05-5064, et al. * * *
03/20/06	SUPPLEMENT (Corrected Table of Contents) to the Federal Parties Supplemental Reply brief in Nos. 05-5062, et al. and Nos. 05-5064, et al. * * *
	* * *
03/20/06	CORRECTED BRIEF LODGED by Movant-Amicus Curiae The Federal Public Defender Habeas Corpus Counsel in Nos. 05-5062, et al. and Nos. 05-5064, et al. * * *
	* * *
03/20/06	CORRECTED BRIEF LODGED by Movant Amicus Curiae National Institute of Military Justice in Nos. 05-5062, et al. and Nos. 05-5064, et al. * * *
	* * *
03/20/06	CORRECTED BRIEF LODGED by Movant-Amicus

Date	Proceeding
	Curiae (Legal and Historical Scholars) Paul Finkelman * * * in Nos. 05-5062, et al. and Nos. 05-5064, et al. * * *
	* * *
03/20/06	CORRECTED BRIEF LODGED by Movant-Amicus Curiae Senator Carl Levin in Nos. 05-5062, et al., and Nos. 05-5064, et al. * * * (NOTE: See 3/30/06 order; leave denied and this brief returned to movant)
	* * *
03/22/06	ORAL ARGUMENT HELD before Sentelle, Randolph, Rogers.
03/23/06	LETTER filed by Appellants Khaled A. F. Al Odah, et al. filed pursuant to FRAP 28j advising of additional authorities. * * *
03/24/06	LETTER filed by Appellees USA, et al. pursuant to FRAP 28j advising of additional authorities. * * *
	* * *
03/30/06	PER CURIAM ORDER filed denying motion of Senators Lindsey Graham and John Kyl for leave to participate as amici curiae in support of government [R]espondents-appellees regarding the effect of Detainee Treatment Act of 2005; Denying motion of Senaor Carl Levin to participate as amicus curiae in support of petitioners regarding Section 1005 of the Detainee Treatment Act of 2005 pursuant to the Court's 1/27/06 order and for leave to file corrected brief; Clerk directed to return the lodged briefs to movants-amici curiae. * * *
	* * *
08/01/06	SUPPLEMENTAL BRIEF filed by Appellees George W. Bush et al. in 05-5064 et al. * * *
	* * *
08/07/06	SUPPLEMENTAL BRIEF filed by Amicus Curiae for Appellee Wrld Orgn Rights USA in 05-5064. * * *

Date	Proceeding
08/08/06	SUPPLEMENTAL BRIEF (styled "Guantanamo Detainees' supplemental brief addressing the effect of Supre[me] Court's opinion in Hamdan v. Rumsfeld . . .") filed by Appellants Khaled A. F. Al Odah et al. in 05-5064 et al. * * *
08/15/06	SUPPLEMENTAL REPLY BRIEF filed by Appellees George W. Bush et al. in 05-5064 et al. * * *
	* * *
10/17/06	LETTER filed by Appellee George W. Bush in 05-5064 pursuant to FRAP 28j advising of additional authorities. * * *
	* * *
11/01/06	SUPPLEMENTAL BRIEF filed by Amicus Curiae for Appellee Wrld Orgn Rights USA in 05-5064. * * *
11/01/06	SUPPLEMENTAL BRIEF filed by Appellant Khaled A. F. Al Odah in 05-5064 * * *.
	* * *
11/01/06	BRIEF IN SUPPORT OF PETITIONER'S SUPPLEMENTAL BRIEF lodged by Movant-Amicus Curiae Ret Fed Jur in 05-5064. * * * [RETURNED TO PARTY PER COURT ORDER ON 12/29/06]
11/01/06	ADDENDUM (VOL. I AND II) TO BRIEF OF AMICI CURIAE RETIRED FED JURISTS (HIST ID 1002475) lodged in 05-5064. * * *
11/13/06	SUPPLEMENTAL BRIEF filed by Appellees/Cross-Appellants USA, et al. in 05-5064 * * *.
11/20/06	SUPPLEMENTAL REPLY BRIEF (Unclassified) filed by Appellants/Cross-Appellees Khaled A. F. Al Odah, et al. in 05-5064, 05-5095 through 05-5116. * * *
	* * *
12/14/06	LETTER filed by Appellee USA pursuant to FRAP 28j advising of additional authorities. * * *

Date	Proceeding
12/15/06	LETTER filed by Appellants Khaled A. F. Al Odah, et al. in response to government's letter filed pursuant to FRAP 28j advising of additional authorities. * * *
	* * *
12/29/06	PER CURIAM ORDER filed denying non-party motion to allow amicus filed by Retd Fed Jurists. The Clerk is directed to return to movant-amici curiae the lodged brief. Before Judges Sentelle, Randolph, Rogers.* (Circuit Judge Rogers would grant the motion for leave to file brief amici curiae for the reasons set forth in the statement accomanying this order)
	* * *
02/20/07	JUDGMENT that the district court's decisions are vacated and the cases are dismissed for lack or jurisdiction for the reasons in the accompanying opinion. Before Judges Sentelle, Randolph, Rogers.
02/20/07	OPINION filed (25 pgs) for the Court by Judge Randolph, DISSENTING OPINION (34 pgs) filed by Rogers
02/20/07	CLERK'S ORDER filed The Clerk is directed to withhold issuance of the mandate pending disposition of any timely petition for rehearing.
03/08/07	NOTICE filed by the Supreme Court. The petition for writ of certiorari was filed on 3/5/07 and placed on the docket as No. 06-1196.
04/05/07	LETTER received fom S.Ct. advising that the petition for a writ of certiorari is denied.
	* * *
06/04/07	LETTER dated 6/4/07 received from the S.Ct. advising that the Court entered the following order in the cases: the respondents are invited to file a response to the petitioner for rehearing within 30 days.
	* * *

Date	Proceeding
06/27/07	MANDATE ISSUED to Clerk, District Court
07/02/07	MOTION filed * * * by Appellant/Cross-Appellee Khaled A. F. Al Odah, et al. * * * to recall the mandate. * * *
07/05/07	LETTER date 6/29/07 received from the S.Ct. advising that the petition for rehearing is granted. The order entered 4/2/07, denying the petition for writ of certiorari is vacated. The petition for a writ of certiorari is granted. This case is consolidated with 06-1195 and a total of one hour is allotted for oral argument. As it would be material assistance to consult any decision in Bismullah, et al. v. Gates, No 06-1197, and Parhat, et al., v. Gates, et al. No. 06-1397 currently pending in the United States Court of Appeals for the District of Columbia Circuit, supplemental briefing will be scheduled upon the issuance of any decision in those cases.
07/13/07	OPPOSITION filed * * * by Appellees USA, et al. * * * to Appellants' motion recall mandate.
	* * *
07/20/07	(Pending classification) REPLY filed * * * by Appellant Khaled A. F. Al Odah, et al. in 05-5064 * * * to a response to motion recall mandate in 05-5116
07/26/07	PER CURIAM ORDER filed granting motion recall mandate filed by Khaled A. F. Al Odah, et al. in 05-5064, et al. The Clerk of the USDC for the District of Columbia is directed to return forthwith to the USDC for the District of Columbia Circuit the mandate issued June 27, 2007. Before Judges Sentelle,* Rogers, Griffith. (Circuit Judge Sentelle would deny the motion)

UNCLASSIFIED SUMMARY OF CSRT PROCEEDING TRANSCRIPT (ABDULLAH KAMAL ABDULLAH KAMAL AL KANDARI) [*Al Odah* Court of Appeals Supplemental Appendix 1367]

* * *

Regarding the allegation 3.A.3. (One of the Detainee's known aliases was on a list of captured hard drives associated with a senior Al-Qaeda member.)

Detainee: Can you tell me the name that was found in the computer?

Tribunal President: We don't have that information in the unclassified evidence. I don't know what name was in the computer at this time.

Detainee: If he put my name Adullah Kamal, I am famous at home. I play on the National Volleyball team. Why he put my name in the computer, I don't know. They don't know me I swear they don't know me. Look at me, look at the clothes I wear and how tall I am. I have a large scar on my hand. (inaudible) I would like to know the name. I go by Saliman, my son is [redacted by government] and there are many Salimans. The problem is the secret information, I can't defend myself. I have money, I have cars, I have my children, I have my wife and unborn children and I'm going to be Al-Qaeda? I'm not stupid and I'm going to do this against the biggest country in the world, America. When I was told I was Al-Qaeda I was shocked. They don't have any evidence against me, to put me here. I don't have a choice, God is well here, so I'll be patient. Why did they put me here like this?

Tribunal President: That's what we are here to determine.

* * *

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION (MURAT KURNAZ) [*Al Odah* Court of Appeals Supplemental Appendix 1661-1663]

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #5

ISN #: 061

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of al-Qaida. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a member or ally of al-Qaida or its network and that the detainee participated in activities with a group that is part of al-Qaida network. Those allegations are as follows:

1. The detainee admitted he traveled from Frankfurt, Germany to Karachi, Pakistan (via plane), to Islamabad, PK (via plane), and to Lahore, PK (via bus) and unnamed village (vicinity of Peshawar, PK) and attempted travel back to Peshawar when he was arrested and brought into custody.
2. The timeline associated with the detainee is as follows: Became associated with an Islamic missionary group named Jama'at-Al-Tabliq in June 01, the United States is attacked on 11 September 01, travels to PK on 3 October 01, continues travels until his capture.

3. Detainee is a close associate with, and planned to travel to PK with, an individual who later engaged in a suicide bombing. Selcuk Bilgin possibly is the Elananutus suicide bomber.

4. The detainees stated he received free food, lodging and schooling from a NGO known to support terrorist acts against the United States while traveling in PK. He was sponsored by this NGO.

5. The detainee admitted that the school in Lahore, PK was run by this NGO, specifically the NGO President.

[1662] The detainee chose to participate in the Tribunal process. He called no witnesses and requested no documents be produced. He made a sworn verbal statement in which he attempted to explain the reasons for his trip to Pakistan and denied being a member of al Qaida.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: D-a and R-1 through R-24

b. Sworn testimony of the detainee

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses; no rulings were required.

The Detainee requested no additional evidence be provided.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1, R-2 and R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad

outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 is an Affidavit of [redacted by government]. Mrs. [redacted by government] is the detainee's mother and provided the detainee's background and confirmed the date the detainee departed Frankfurt, Germany to Pakistan. Exhibit R-3 is a sworn affidavit of Berhard Docke, a lawyer retained for the detainee's Habeas Corpus case. The Tribunal found this information somewhat helpful in making its determinations, but considered the sworn testimony of the detainee. The detainee explained that he frequented a mosque in Bremen, Germany that was considered moderate in it views of Islam and tolerant of other religions; however, it also housed a branch of the Jama'at-Al-Tabliq (JT) a Muslim missionary organization, alleged to support terrorist organizations. The detainee stated that an Imam for JT advised the detainee to travel to Pakistan to immerse himself in the study of Islam. The detainee then purchased a ticket to Pakistan, and with this friend Selcuk Belgin, they began their travels. Upon checking in for the flight to Pakistan in Frankfurt, the detainee's friend, Mr. Belgin, was arrested. Mr. Belgin stated that he was arrested because he had outstanding warrants as a result of his dogs biting people. Mr. Belgin is the alleged Elalanutus suicide bomber. Once in Pakistan, the detainee testified that he traveled to Lahore to attend the JT Muslim school there and traveled to Peshawar, Pakistan for further studies. Upon his return from Peshawar to Lahore the Pakistan Police stopped the [1663] bus he was traveling on and arrested him. The Pakistani Police asked the detainee about Mr. Belgin and his relation with the detainee and then turned him over to Americans who transferred him to Bagram Airbase for further travel to Guantanamo Bay, Cuba. Tribunal had to look to the detainee's sworn statement and classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's testimony and the

affidavits submitted by the detainee's mother and habeas attorney. A summarized transcript of the detainee's testimony is attached as CSRT Decision Report Enclosure (3). He denied being a member of al Qaida, but confirmed that he went to Pakistan to study the Koran at the advice of a Jama'at-Al-Tabliq Imam. The Tribunal found certain aspects of the detainee's testimony persuasive, but also turned to classified sources for further clarification.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.

b. The detainee understood the Tribunal proceedings. The detainee asked no questions regarding his rights and actively participated in the hearing.

c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of al Qaida.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[redacted by government]

Colonel, USAF
Tribunal President

UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION (JAMIL EL-BANNA) [*Al Odah* Court of Appeals Supplemtental Appendix 1806-1810]

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #6

ISN #: 905

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly clas sified as an enemy combatant and was part of or supporting Al Qaida forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The initial session of the Tribunal hearing was held on 25 September 2004. The Recorder presented Exhibit R-1, the Unclassified Summary of Evidence, and other exhibits during the unclassified portion of the Tribunal. Exhibit R-1 indicates that the detainee is a member of Al Qaida; that he visited Abu Qatada, a known Al Qaida operative, while Abu Qatada was in hiding from the British police; that Abu Qatada was arrested in the United Kingdom as a danger to national security; that the detainee has been indicted by a Spanish National High Court Judge for membership in a terrorist organization; and that the detainee was arrested in Gambia while attempting to board an airplane with equipment that resembled a homemade electronic device. The Recorder presented several other unclassified exhibits, but called no witnesses.

The detainee participated actively in the Tribunal proc-

ess and testified under oath. In sum, he denied being a member of or having any connection to Al Qaida. He admitted visiting Abu Qatada on one occasion, and stated it was simply to take Abu Qatada's family to visit him. He stated he has no knowledge of the Spanish indictment, and noted he was arrested in Great Britain, not Gambia, relating to the electronic device. He also noted that the electronic device was found in a traveling companion's luggage—not his—and that both he and his friend were released because the electronic device was simply a battery charger. The detainee also answered questions posed by the Personal Representative and Tribunal Members. The detainee's testimony, including his responses to the questions posed to him, is summarized in Enclosure (3) to the CSRT Decision Report. The detainee also requested 2 witnesses, both of which were denied. Explanations for the Tribunal President's decision appear in paragraph 4, below.

[1807] During the classified session of the Tribunal, the Recorder initially presented Exhibits R-5 through R-15 and commented on the evidence. The Personal Representative had nothing additional to offer and made no comments. After reading the exhibits, the Tribunal asked for additional information and recessed to permit the Recorder the opportunity to obtain the evidence.

The Tribunal reconvened in a classified session on 28 September 2004. In response to the Tribunal's request for additional evidence, the Recorder introduced Exhibits R-16 through R-18, all of which are classified. After reading these exhibits, the Tribunal again requested that the Recorder provide additional evidence. In response, the Tribunal reconvened on 2 October 2004 to allow the Recorder to present Exhibits R-19 through R-24. Because Exhibits R-23 and R-24 are unclassified, both exhibits were shown to the detainee prior to reconvening on 2 October 2004, and the detainee was given the opportunity to be present when the exhibits were offered into evidence. At the hearing on 2 October 2004, the Personal Representative informed the Tribunal that he had discussed both Exhibit R-23 and R-24 with the

detainee, and the detainee elected not to attend the open session of the hearing where both exhibits were offered into evidence. The detainee did provide the Personal Representative with comments on the exhibits to bring to the attention of the Tribunal. These comments are discussed in paragraph 5, below. The Tribunal then closed for deliberations and, after considering both the unclassified and classified exhibits, as well as the detainee's sworn testimony and comments on Exhibits R-23 and R-24, the Tribunal concluded that the detainee is properly classified as an enemy combatant.

On 9 October 2004, the Tribunal reconvened to consider additional evidence made known to the Tribunal after 2 October 2004. At this session, the Recorder introduced Exhibits R-25 through R-35, all of which are classified and all of which had been shown to the Personal Representative prior to the Tribunal session. Neither the Recorder nor the Personal Representative had any comments on the additional exhibits. After considering the additional exhibits, the Tribunal reaffirmed its decision of 2 October 2004 that the detainee is properly classified as an enemy combatant.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

a. Exhibits: D-a, and R-1 through R-35.

b. Testimony of the following persons: None.

c. Sworn statement of the detainee:

See Enclosure (3) to the CSRT Decision Report.

[1808]

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested two witnesses:

a. [redacted by government] ISN # [redacted by government]. The detained indicated that ISN # [redacted by government] would testify that the electronic device re-

ferred to in paragraph 3.a.4 of the Unclassified Summary of Evidence (Exhibit R-1) belonged to ISN # [redacted by government] and not to the detainee. The Tribunal President denied the request in writing (see Enclosure (5) to the CSRT Decision Report) and explained at the Tribunal hearing on 25 September that under the allegation, it did not matter who the device belonged to, as long as it was the detainee that tried to board the plane with it. In any case, the Tribunal considered the matter moot because the Tribunal believed the detainee's account relating to the allegation; that is, the device was a harmless battery charger being transported by the detainee's traveling companion, ISN # [redacted by government]. Furthermore, the Tribunal found that the incident with the battery charger took place as the detainee testified—in London, not Gambia—and that paragraph 3.a.4 of the Unclassified Summary of Evidence is not supported by the evidence.

b. Al Haj Abo Ali. This request related to an allegation on the original Unclassified Summary of Evidence indicating, in part, that the detainee was a financial assistant to the detainee. The detainee asserted that the witness would testify that the financial assistance was for poor people in Jordan. However, the entire allegation was deleted prior to the hearing because, although it was unclassified, it had not yet received formal clearance. Accordingly, the Tribunal President found the requested witness not relevant. As a result, the Tribunal presumed that money raised by the detainee was for poor people in Jordan, as the detainee asserted in his witness request. (The Tribunal President's written response to the detainee's witness request is included as Enclosure (5) to the CSRT Decision Report.)

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1 through R-4

into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to other exhibits for support of the Unclassified Summary of Evidence.

b. Exhibit R-3 is an excerpt from an Internet article published by the Madrid *El Pais* indicating that the Spanish government has agreed to request the U.S. government to [1809] extradite the detainee to Spain to stand trial for membership in a terrorist organization. The article further indicates that the detainee was indicted by Spanish National High Court judge Baltasar Garzon for the detainee's connection to the Spanish Al Qaida cell led by Imad Eddin Barakat Yarkas. When considered in conjunction with the classified evidence, the Tribunal did not find this article helpful in establishing the detainee's association with Al Qaida.

c. Exhibit R-4 is an Associated Press article dated 11 November 2002 that mentions Abu Qatada's use of the Internet to communicate with terrorist cells. The Tribunal did not rely on this news article in reaching its conclusions.

d. Exhibit R-23 is a CBS News interview with Abu Qatada dated 16 March 2004. When considered in conjunction with the classified evidence, the Tribunal found this article persuasive in establishing Abu Qatada's association with Al Qaida. At the Tribunal session held on 2 October 2004, the Personal Representative indicated the detainee's comments on the article were that the article is a nice article, but it has nothing to do with the detainee. He also called the Tribunal's attention to page 4 of 6, noting that the amount of money seized from Abu Qatada's home was exaggerated, and was in envelopes marked "to the poor," and "for needy families," and "for building a mosque." He also quoted a passage where Qatada asserts that the British government owes every poor Muslim and every Muslim in England some

money because some of the money seized was to buy a place for prayer.

e. Exhibit R-24 is an excerpt from the Terrorist Organization Reference Guide dated January 2004. The excerpt describes the Armed Islamic Group (GIA) and the Salafist Group for Call and Combat. At the Tribunal session held on 2 October 2004, the Personal Representative indicated the detainee's comments on the excerpt from the Reference Guide were that the document has nothing to do with him because he does not belong to terrorist organizations. The Tribunal did not find Exhibit R-24 helpful in reaching its conclusions.

f. The Tribunal also considered the detainee's sworn testimony, given at the first session of the hearing on 25 September 2004. In sum, the detainee testified that Abu Qatada's status has nothing to do with the detainee, because the detainee is just one of hundreds of people that used to pray with Abu Qatada. He stated that if the British government had anything on him, he would have been arrested. He admitted visiting Abu Qatada once when Abu Qatada was in hiding in London, but claimed it was only to take Abu Qatada's wife and son to visit him. He said the British police raided Abu Qatada's house while the detainee was there, but allowed the detainee to take Abu Qatada's wife and son back to their home. The detainee denied knowing anything about his indictment by the Spanish court, and claimed he has never been a member of a terrorist organization. He also indicated he was not arrested in Gambia for possessing the electronic device—the arrest occurred in London and he was cleared of all wrongdoing. He stated he was arrested in Gambia for something else, but does not know what he is alleged to have done. He stated the Gambians turned him over to the United States and [1810] now he is in Guantanamo Bay, Cuba. Finally, the detainee denies being a member of Al Qaida or having any contacts with senior Al Qaida leaders. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3).

The Tribunal also relied on certain classified evidence in reaching its decision, and found the classified evidence persuasive in establishing that the detainee is properly classified as an enemy combatant. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary,

b. The detainee understood the Tribunal proceedings and actively participated throughout the hearing.

c. The detainee is properly classified as an enemy combatant and was part of or supporting Al Qaida forces.

8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

[redacted by government]

Colonel, U.S. Army
Tribunal President

FEDERAL BUREAU OF INVESTIGATION DOCUMENT ENTITLED "DETAINEE INTERVIEW (ABUSIVE INTERROGATION ISSUES)" [*Al Odah* Court of Appeals Supplemental Appendix 1867]

5/6/04

[Seals]

Detainee Interviews (Abusive Interrogation Issues)

- In late 2002 and continuing into mid-2003, the Behavioral Analysis Unit raised concerns over interrogation tactics being employed by the U.S. Military. As a result, an EC dated 5/30/03, was generated summarizing the FBI's continued objections to the use of [redacted by government] techniques to interrogate prisoners. This EC is attached and includes a collection of military documents discussing and authorizing the techniques. We are not aware of the FBI participating directly in any [redacted by government] interrogations.
- It should be noted that FBI concerns and objections were documented and presented to Major General Geoffery Miller, who oversaw GTMO operations. MG Miller is now in Iraq serving as the commander in charge of the military jails. MG Miller appeared in the New York Time on 5/5/04 defending "coercive and aggressive" interrogation methods.
- FBI operations in Afghanistan, Iraq and GTMO have each been queried and all have reported back that they do not have any direct knowledge of any abusive interrogation techniques being used. Each location was aware of rumors of abuse which have surfaced as a direct result of pending Military investigations into abusive interrogation techniques.
- The FBI has participated in the interview of 204 individuals in Iraq and 747 in GTMO. Our Afghan operation needs additional time to prepare a list of those interviewed in theater. Attached are the lists from GTMO and Iraq.

- A key word search of the Iraq interviews identified one individual alleging abuse by military personnel. In this instance a woman indicated she was hit with a stick and she wanted to talk only to German officials.
- FBI personnel assigned to the Military Tribunal effort involving GTMO detainees has during the review of discovery material seen, on a few rare occasions, documentation of [redacted by government] techniques being noted in interviews conducted by Military personnel. In these instances the material was called to the attention of military's Criminal Investigative Task Force (CITF), and Office Military Commissions (OMC) personnel.

INTERNAL FBI EMAILS REPORTING INSTANCES OF ABUSIVE INTERROGATION TECHNIQUES [*Al Odah* Court of Appeals Supplemental Appendix 1869, 1875, 1877, 1879]

[1869]

[redacted by government] (IR) (FBI)

To: [redacted by government] (INSD) (FBI)

Subject: GTMO

As you may be aware, I was in GTMO and I did observe aggressive interrogation practices and as a Behavioral Analysis Advisor on interrogation techniques was aware of extreme interrogation techniques that were planned and implemented against certain detainees.

These events were summarized in memos and an EC written by myself and my colleagues between Oct. and May of 2002.

I have been discussing these events with GC Valerie Caproni.

SSA [redacted by government]

7/9/2004

[1875]

From: [redacted by government] (BS) (FBI)

Sent: Monday, August 02, 2004 10:46 AM

To: [redacted by government] (INSD) (FBI)

Subject: RE GTMO

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Mr. [redacted by government],

As requested, here is a brief summary of what I observed at GTMO.

On a couple of occassions [sic], I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food, or water. Most times

they had urinated or defacated on themselves, and had been left there for 18-24 hours or more. On one occasion [sic], the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold. When I asked the MP's what was going on, I was told that the interrogators from the day prior had ordered this treatment, and the detainee was not to be moved. On another occassion [sic], the A/C had been turned off, making the temperature in the unventilated room probably well over 100 degrees. The detainee was almost unconcious [sic] on the floor, with a pile of hair next to him. He had apparently been literally pulling his own hair out throughout the night. On another occassion [sic], not only was the temperature unbearably hot, but extremely loud rap music was being played in the room, and had been since the day before, with the detainee chained hand and foot in the fetal position on the tile floor.

Any questions, feel free to call or ask via email [redacted by government].

* * *

[1877]

From: [redacted by government] (BS) (FBI)

Sent: Monday, July 12, 2004 10:10 AM

To: [redacted by government] (INSD) (FBI)

Subject: RE GTMO

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Mr. [redacted by government],

I am responding to your request for feedback on aggressive treatment and improper interview techniques used on detainees at GTMO. I did observe treatment that was not only aggressive, but personally very upsetting, although I can't say that this treatment was perpetrated by Bureau employees. It seemed that these techniques were being employed by the military, government contract employees and

[redacted by government].

My name is SA [redacted by government], Boston division, EOD [redacted by government] currently assigned to Squad C-9, telephone [redacted by government].

* * *

[1879]

From: [redacted by government]

To: Bald, Gary, BATTLE, FRANKIE, CUMMINGS, ARTHUR, . . .

Date: Fri., Dec. 5, 2003 9:53 AM

Subject: Fwd: Impersonating FBI at GTMO

Frank [redacted by government],

I am forwarding this EC up the CTD chain of command. MLDU requested this information be documented to protect the FBI. MLDU has had a long standing and documented position against use of some of DOD's interrogation practices, however, we were not aware of these latest techniques until recently.

Of concern, DOD interrogators impersonating Supervisory Special Agents of the FBI told a detainee that [redacted by government]. These same interrogation teams then [redacted by government]. The detainee was also told by this interrogation team [redacted by government].

These tactics have produced no intelligence of a threat neutralization nature to date and CITF believes that techniques have destroyed any chance of prosecuting this detainee.

If this detainee is ever released or his story made public in any way, DOD interrogators will not be held accountable because these torture techniques were done by the "FBI" interrogators. The FBI will left holding the bag before the public.

SSA [redacted by government]

CTD/MLDU

cc: [redacted by government]

LETTER FROM T.J. HARRINGTON, DEPUTY ASSISTANT DIRECTOR, COUNTERTERRORISM DIVISION, TO MAJOR GENERAL DONALD J. RYDER, DEPARTMENT OF THE ARMY, CRIMINAL INVESTIGATION COMMAND, ADDRESSING SUSPECTED MISTREATMENT OF DETAINEES [*Al Odah* Court of Appeals Supplemental Appendix 1871-1873]

[Seal]

U.S. Department of Justice
Federal Bureau of Investigation
Washington, D.C. 20535-0001
July 14, 2004

Major General Donald J. Ryder
Department of the Army
Criminal Investigation Command
6010 6th Street
Fort Belvoir, Virginia 22060-5506

Re: Suspected Mistreatment of Detainees

Dear General Ryder:

I appreciate the opportunity I had to meet with you last week. As part of a follow up on our discussion on detainee treatment, I would like to alert you to three situations observed by agents of the Federal Bureau of Investigation (FBI) of highly aggressive interrogation techniques being used against detainees in Guantanamo (GTMO). I refer them to you for appropriate action.

1. During late 2002, FBI Special Agent James Clemente was present in an observation room at GTMO and observed Sargeant (first name unknown) Lacey conducting an interrogation of an unknown detainee. (SA Clemente was present to observe the interrogation occurring in a different interrogation room.) Sgt. Lacey entered the observation room and complained that curtain movement at the observation window was distracting the detainee, although no movement of the curtain had oc-

curred. She directed a marine to duct tape a curtain over the two-way mirror between the interrogation room and the observation room. SA Clemente characterized this action as an attempt to prohibit those in the observation room from witnessing her interaction with the detainee. Through the surveillance camera monitor, SA Clemente then observed Sgt. Lacey position herself between the detainee and the surveillance camera. The detainee was shackled and his hands were cuffed to his waist. SA Clemente observed Sgt. Lacey apparently whispering in the detainee's ear, and caressing and applying lotion to his arms (this was during Ramadan when physical contact with a woman would have been particularly offensive to a Moslem male). On more than one occasion the detainee appeared to be grimacing in pain, and Sgt. Lacey's hands appeared to be making some contact with the detainee. Although SA Clemente could not see her hands at all times, he saw them moving towards the detainee's lap. He also observed the detainee pulling away and against the restraints. Subsequently, the marine who had previously taped the curtain and had been in the interrogation room with Sgt. Lacey during the interrogation re-entered the observation room. [1872] SA Clemente asked what had happened to cause the detainee to grimace in pain. The marine said Sgt. Lacey had grabbed the detainee's thumbs and bent them backwards and indicated that she also grabbed his genitals. The marine also implied that her treatment of that detainee was less harsh than her treatment of others by indicating that he had seen her treatment of other detainees result in detainees curling into a fetal position on the floor and crying in pain.

2. Also in October 2002, FBI Special Agent Robert Morton was observing the interrogation of a detainee when Dave Becker, a civilian contractor,

came into the observation room and asked SA Morton to come see something. SA Morton then saw an unknown bearded, long-haired detainee in another interrogation room. The detainee had been gagged with duct tape that covered much of his head. SA Morton asked Mr. Becker whether the detainee had spit at the interrogators. Mr. Becker laughed and stated that the detainee had been chanting the Koran and would not stop. Mr. Becker did not answer when SA Morton asked how the duct tape would be removed from the detainee.

3. In September or October of 2002 FBI agents observed that a canine was used in an aggressive manner to intimidate detainee #63 and, in November 2002, FBI agents observed Detainee #63 after he had been subjected to intense isolation for over three months. During that time period, #63 was totally isolated (with the exception of occasional interrogations) in a cell that was always flooded with light. By late November, the detainee was evidencing behavior consistent with extreme psychological trauma (talking ton non-existent people, reporting hearing voices, crouching in a corner of the cell covered with a sheet for hours on end). It is unknown to the FBI whether such extended isolation was approved by appropriate DoD authorities.

These situations were referenced in a May 30, 2003 electronic communication (EC) from the Behavioral Analysis Unit of the FBI to FBI Headquarters. That EC attached, among other documents, a draft Memorandum for the Record dated 15 January 2003 from Capt. Mark E. McCary (USAFR), that refers to the first two events among others in a time line of events related to discussions concerning the use of aggressive interrogation techniques. Marion Bowman of the FBI's Office of General Counsel discussed the contents of those communications with Mr. Dietz, Deputy General Counsel (Intelligence) and Mr Del'Orto, Deputy General Counsel of DoD, around the time the EC was received. Al-

though he was assured that the general concerns expressed, and the debate between the FBI and DoD regarding the treatment of detainees was known to officials in the Pentagon, I have no record that our specific concerns regarding these three situations were communicated to DoD for appropriate action.

[1873] If I can provide any further information to you, please do not hesitate to call.

Sincerely yours,

/s/

T.J. Harrington
Deputy Assistant Director
Counterterrorism Division

URGENT REPORT TO DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION REGARDING INVESTIGATION INTO ABUSE OF IRAQI DETAINEES [*Al Odah* Court of Appeals Supplemental Appendix 1905-1907]

DATE: JUNE 25, 2004

TO: THE DIRECTOR

CC: Deputy Director Bruce J. Gebhardt
EAD Cassandra Chandler
EAD John Pistole
AD Grant Ashley
AD Gary Bald
SC Arthur Cummings
[redacted by government]
UC [redacted by government]
SSA [redacted by government]
CT Watch
SIOC

FROM: SACRAMENTO DIVISION

FOR FURTHER INFORMATION CONTACT:

ASAC David A. Picard
[redacted by government] (Main Office)

PREPARER OF URGENT REPORT: SSA [redacted by government]

PURPOSE: THE FOLLOWING INFORMATION PROVIDES INITIAL DETAILS FROM AN INDIVIDUAL [redacted by government] WHO OBSERVED SERIOUS PHYSICAL ABUSES OF CIVILIAN DETAINEES IN [redacted by government] IRAQ DURING THE PERIOD OF [redacted by government]. IT IS BEING FURNISHED TO THE DIRECTOR BASED UPON POTENTIAL SIGNIFICANT PUBLIC, MEDIA AND CONGRESSIONAL INTEREST WHICH MAY GENERATE CALLS TO THE DIRECTOR.

SUBJECT: PRELIMINARY STATEMENTS MADE BY [redacted by government] TO SACRAMENTO SPE-

CIAL AGENTS [redacted by government] AND [redacted by government]

DESCRIPTION OF MATTER:

[redacted by government] was advised that the Sacramento Field Office was not aware of any such report. [1906] [redacted by government] came into the Sacramento Field Office and provided the following:

[redacted by government] observed numerous physical abuse incidents of Iraqi civilian detainees conducted in [redacted by government] Iraq. He described that such abuses included strangulation, beatings, placement of lit cigarettes into the detainees ear openings, and unauthorized interrogations. [redacted by government]

[redacted by government] was providing this information to the FBI based on his knowledge that [redacted by government] were engaged in a cover-up of these abuses. He stated these cover-up efforts included [redacted by government].

[redacted by government] advised that an individual did, in fact, make a complaint with Sacramento FBI Office concerning Iraqi prisoner abuse.

[redacted by government]

[1907] [redacted by government]

The Sacramento Division is continuing to interview [redacted by government] and will forward FBIHQ all details of his interview in future communications. Investigation in Sacramento is continuing.

[ARGUMENT HELD ON MAY 15, 2007]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

06-1197, 06-1397

HAJI BISMULLAH, *et al.*
Petitioners,

v.

ROBERT M. GATES, SECRETARY OF DEFENSE
Respondent.

HUZAIFA PARHAT, *et al.*
Petitioners,

v.

ROBERT M. GATES, SECRETARY OF DEFENSE
Respondent.

DECLARATION OF REAR ADMIRAL (RETIRED) JAMES M. MCGARRAH

Pursuant to 28 U.S.C. § 1746, I, James M. McGarrah, hereby declare that to the best of my knowledge, information, and belief, the following is true, accurate, and correct:

1. I was the Director of the Office for the Administrative Review of the Detention of Enemy Combatants (OERDEC) from July 2004 until March 2006. I currently serve as a Special Assistant to the Deputy Assistant Secretary of Defense for Detainee Affairs. This declaration is intended to provide a general description of the overall Combatant Status Review Tribunal (CSRT) process during this period in which I served as the Director fo OARDEC, and concurrently as the CSRT Convening Authority. CSRT Order, 7 July 2004, para f. This declaration is based on my personal knowledge as well as information obtained in my official [2]

capacity as Director of OARDEC and CSRT Convening Authority.

2. In July 2004, the Department of Defense established the CSRT process. This process was established to provide a formalized, standardized process to review the combatant status of all "foreign nationals held as enemy combatants in the control of the Department of Defense at the Guantanamo Bay Naval Base, Cuba." CSRT Order, 7 Jul 2007. OARDEC was established in July 2004, and charged with implementing this process, as well as the annual Administrative Review Boards conducted for detainees at Guantanamo. As Director of OARDEC, I was appointed the CSRT Convening Authority by the Secretary of the Navy in July 2004. During my tenure as Director, we conducted 558 Combatant Status Review Tribunals (CSRTs). During that time frame, over 200 personnel (including active duty and reserve military, civilians and contractors) were assigned to OARDEC, and were involved in carrying out OARDEC's missions. The primary OARDEC mission during this period was preparing for and conducting these Tribunals, and involved the vast majority of these assigned personnel. Some of the personnel were assigned to work at Guantanamo Bay while others were assigned in the Washington, D.C. area.

3. The CSRT procedures provide that the CSRT "Tribunal is authorized to * * * request the production of such reasonably available information in the possession of the U.S. Government bearing on the issue of whether the detainee meets the criteria to be designated as an enemy combatant, including information generated in connection with the initial determination to hold the detainee as an enemy combatant and in any subsequent reviews of that determination, as well as any records, determinations, or reports generated in connection with such proceedings (cumulatively called hereinafter the 'Government Information')." CSRT Procedures, Enc. 1, § E(3). The CSRT Recorder is charged with, among other things, "obtain[ing] and examin[ing] the Government [3] Information." CSRT Procedures, Enc. 2,

§ C(1). Additionally, "the Recorder has a duty to present to the CSRT such evidence in the Government Information as may be sufficient to support the detainee's classification as an enemy combatant, including the circumstances of how the detainee was taken into the custody of the U.S. or allied forces (the "Government Evidence")." CSRT Procedures, Enc. 2, § B(1).

4. Prior to September 1, 2004, the CSRT Recorder personally collected the Government Information. At that time, due to the other extensive responsibilities of the Recorder[1] and in order to provide greater efficiency in the collection of this information, additional individuals were assigned to assist the Recorder in gathering detainee information. Responsibilities of Recorder, CSRT Procedures, Enc. 2, § C(2). Accordingly, after September 1, 2004, the task of gathering and analyzing the Government Information was performed by a specially-formed research, collection and coordination team (hereinafter referred to as "Team"). This Team, which was dedicated to the functions of obtaining, examining and analyzing detainee information, brought greater manpower resources to this important function. In addition, due to the location of the Team in the Washington, D.C. area in close proximity to other Government agencies, the interagency approval procedure used for clearance of the Government Evidence was much more efficient. *See supra* text accompanying Paragraph 10. The dedicated Team focused on the tasks of identifying relevant information on each detainee, including information that might suggest that the detainee should not be designated as an enemy combatant.

5. Members assigned to the Team each received approximately two weeks of training prior to assuming their data collection responsibilities, as well as additional instruction, as appropriate, [4] during their tenures. The training

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[1] Among other duties, the Recorder must attend and present evidence at CSRT hearings and prepare the records of those proceedings. *See* CSRT Procedures, Enc. 2, § C.

included instruction on the CSRT process with specific emphasis on the Recorder's functions and responsibilities, operator training on the pertinent government databases, as well as cultural awareness and intelligence training to assist Team members in better understanding the potential significance of individual data elements. The Team was organized in three separate functions.

a. The first function, Case Writer, had primary responsibility for researching, reviewing and ultimately collecting information from government sources. The Case Writers would then use this information to draft an unclassified summary of the factual basis for the detainee's designation as an enemy combatant.

b. The second function, Quality Assurance (QA), reviewed t..e draft products from the Case Writers to ensure they were logical, consistent and grammatically correct.

c. The third function, Coordination, worked with the various government agencies whose information was to be used as Government Evidence, in order to receive clearance to use their information in the Tribunal, as well as to verify the accuracy of the Unclassified Summary.

6. Although the Team functioned as a data collection "staff" for the Recorders, each Recorder was held personally responsible for reviewing and verifying the information provided by the Team, for finalizing each package of unclassified and classified Government Evidence (to include the Unclassified Summary), and for presenting this evidence to the tribunal. In reviewing and verifying the information received from the Team, the Recorder had access to the same information systems used by the Team, and could add information to be presented to the CSRT panel as Government Evidence or as material that might suggest that the detainee should not be designated [5] as an enemy combatant; could decline to use as Government Evidence any material provided by the Team; and/or could submit requests for further information to obtain additional evidence from government entities. New information obtained by the Recorder in this manner would be treated as Government Information and, if

appropriate, would be included in the Government Evidence presented to the CSRT panel. Throughout the CSRT process, the Recorder was responsible for making the final determination of what material would be presented to the CSRT as the Government Evidence. CSRT Procedures, Enc. 2, § B(1). In addition, both the Personal Representative and the Tribunal members had, and exercised, the ability to request additional information; the Recorder had the responsibility to respond to such requests.

7. The Team pursued leads found in government files relating to a detainee to identify other material that would qualify as Government Information. First, the Team conducted computer searches via a Defense Department database called the Joint Detainee Information Management System (JDIMS).

a. JDIMS is an information management tool developed and used primarily to support interrogations. Information stored on this database includes interrogation reports, intelligence messages, intelligence reports, analyst products, and periodic detainee assessments by DoD and other U.S. Government organizations, such as the U.S. Army Criminal Investigation Task Force (CITF). Only information classified at the SECRET level and below is placed into the JDIMS system. The information also must be in the possession and control of the Joint Intelligence Group (JIG), an element of Joint Task Force Guantanamo (JTF-GTMO). The JDIMS system is a repository of centralized information, but does not and could not hold all information that is in the possession of the United States Government regarding a particular detainee.

[6] b. JIG personnel regularly use and rely on this database as a primary resource when conducting research about detainees and their interrelationships, when preparing for interrogations and when responding to official requests for information about detainees, as well as for other mission-critical functions. Accordingly, the JIG regularly populates the database with new detainee information developed or

uncovered through research and interrogations, and that is assessed as pertinent to the detainee.

c. Because the JDIMS system represented one of the most complete repositories of information on each detainee, it was used as the starting point for gathering the material that would qualify as the Government Information. Additionally, this database permits the interrelationships between individuals and/or organizations to be searched and cross-referenced electronically. Ultimately, most of the data qualifying as Government Information were found through JDIMS. The Team also followed references that arose in these files—if a file revealed possible locations for more information, the Team pursued those leads.

8. The second database regularly searched by the Team was the database system called I2MS, used primarily by investigators from the Criminal Investigation Task Force (the investigatory arm for the Office of Military Commissions). This system holds information pertaining to individual detainees collected by CITF from both the law enforcement and intelligence communities, and would include files on the detainees developed by the authorities who captured the detainees and transferred them to Guantanamo, files relating to any subsequent reviews of the determination to continue to hold the detainee, and interrogation files. The Team also followed references that arose in these files—if a file revealed possible locations for more information, the Team pursued those leads.

9. Third, the Team reviewed paper files in the possession of JTF-GTMO, as well as other [7] Department of Defense databases and files that might contain information on the detainee.

10. The Team also had the ability to submit requests for information to other organizations within the Department of Defense and to other federal agencies that might have information bearing on the issue of whether the detainee meets the criteria to be designated as an enemy combatant, that was not already in the JDIMS database. These

requests included information above the classification level of SECRET.

a. In both the initial data search and in requests for additional information from other agencies, the Team's requests would be for any information bearing on the issue of whether the detainee meets the criteria to be designated as an enemy combatant, and also specifically asked those agencies to provide any information that might suggest the detainee should *not* be designated as an enemy combatant.

b. In some instances, the Team did not directly obtain copies of Government Information from certain intelligence agencies. Instead, upon request, certain agencies allowed properly cleared members of the Team to review the organization's information responsive to their request in order to satisfy the Team's request that the agencies produce reasonably available information under the CSRT procedure. The Team could use information the agency authorized for inclusion in the CSRT record to support an enemy combatant status. However, during their review, there were instances where the Team was not permitted to use certain documents as Government Evidence or to make copies of them, because release of these documents could reasonably be expected to cause harm to national security by revealing sensitive information such as sources or methods. These searches were broadly based on names and other available identifying information, and involved voluminous responsive documents, many of which were found not relevant to the determination of whether a [8] detainee continued to meet the criteria for designation as an enemy combatant

c. In other instances, the Team would submit a request for information to law enforcement agencies; however, these agencies would not always provide the Team with information contained in certain files, due to the fact there was an ongoing investigation. In these cases, the law enforcement agencies would do a search of the information requested and provide the Team with documentation stating that none of the information withheld would support a determination that the detainee is not an enemy combatant.

d. The Team never encountered a situation where an agency objected to the use of information that suggested a detainee *should not* be designated an enemy combatant.

11. A file of information was gathered as a result of these inquiries, but it did not necessarily include all material that might be considered to meet the definition of "Government Information" in the CSRT procedures. CSRT Procedures, Enc. 1, § E(3).

a. First, material that might qualify as Government Information from government databases would be reviewed, but might not be collected in a distinct file if it was viewed as being not relevant or only marginally relevant.

b. Second, as explained in Paragraph 10, some material in the possession of intelligence agencies that would likely qualify as Government Information would be reviewed, but could not be collected or used as Government Evidence, because of the sensitivity of the material.

12. In some instances, all of the compiled Government Information referred to in Paragraph 11 above was included in the Government Evidence. In fact, however, the Recorder was required to present to the tribunal only "such evidence in the Government Information as may be *sufficient* to [9] support the detainee's classification as an enemy combatant..." CSRT Procedures, Enc. 1, §H(4) (emphasis added). Therefore in many instances not all of the Government Information was included as Government Evidence. Three primary considerations were employed in selecting the Government Evidence from among this information.

a. First, with respect to information derived from intelligence agencies, those agencies needed to approve the use of their information as part of the Government Evidence before it could be presented to the CSRT, particularly if that information was going to be used in the unclassified portion of the CSRT. If the agency or organization declined to approve the use of information tending to show that the detainee was an enemy combatant, it was deemed "not reasonably available." Often, the primary reason that this in-

formation could not be used as Government Evidence is because release of these documents could reasonably be expected to cause harm to national security by revealing sensitive information such as sources or methods. Also, there was a concern about dissemination of this information beyond what was necessary. That said, the Team never encountered a situation where an agency objected to the use of information that suggested a detainee should not be designated an enemy combatant.

b. Second, information was often duplicative of other information. Material was frequently not presented to the CSRT as part of the Government Evidence because it would merely duplicate other information already included in the Government Evidence and therefore would be unnecessarily redundant.

c. Third, the Recorder might elect not to use certain information as Government Evidence if the Recorder determined that other data being used as Government Evidence appeared sufficient to support the detainee's classification as an enemy combatant. For example, if a detainee was alleged [10] to be an enemy combatant based on six actions he was allegedly involved in and these six actions were supported by documents already in the Government Evidence, the Recorder could decide not to include documents about additional actions that the detainee took that would also suggest that the detainee is an enemy combatant. As a result, no Government Information excluded from the Government Evidence was taken into consideration by the CSRT in reaching a determination as to enemy combatant status.

13. The CSRT procedures specify that "[i]n the event the Government Information contains evidence to suggest that the detainee should not be designated as an enemy combatant, the Recorder shall also provide such evidence to the Tribunal." CSRT Procedures, Enc. 2, § B.1; *see* CSRT Procedures, Enc. 1, § H.4 (same).

a. The Team and Recorder ensured that, as they reviewed Government Information, *all* material that might

suggest the detainee should not be designated as an enemy combatant was identified and included in the materials presented to the CSRT and included in the CSRT Record. Thus, the Team and Recorder did not exclude any such material even if it had been originally obtained from other intelligence agencies. They also did not exclude any such material based on any sort of sufficiency assessment. However, if certain information which suggested that the detainee should not be designated as an enemy combatant was duplicative, the Recorder might decide not to include that duplicative information in the Government Evidence.

b. There was one other circumstance where this type of material may be excluded from the Government Evidence—if it did not relate to a specific allegation being made against the detainee. For example, if the government had data that indicated the detainee had engaged in a certain specific combatant activity and also had evidence that he had not engaged in that specific activity, the Team [11] and Recorder could elect to present no data about that specific activity at all. In short, if the Recorder decided not to demonstrate to the CSRT that a specific incident relating to the detainee occurred, the Recorder could decide not to submit evidence to the CSRT suggesting that this specific incident did not occur.

14. In addition to the Government Evidence, the following factual material was presented to the CSRT and made part of the CSRT record:

(a) material submitted by the detainee or his Personal Representative;

(b) testimony of the detainee or witnesses deemed relevant and reasonably available.

(c) material obtained by the CSRT panel through its own requests for information.

15. After the CSRT deliberated and reached its conclusion, the CSRT determination was reviewed by the CSRT Legal Advisor and the CSRT Director. CSRT Procedures, Enc. 1, § I(7) & (8). If the CSRT concluded, based upon the

evidence before it, that the detainee should no longer be classified as an enemy combatant, the CSRT Director would notify the intelligence agencies and provide them an opportunity to submit additional information relating to the detainee or to reconsider any of their prior decisions that had prevented the Recorder from using their material as Government Evidence at the CSRT. Additionally, if the CSRT Legal Advisor or CSRT Director returned the record to the CSRT for further proceedings, the Recorder would have the ability to supplement the material presented to the CSRT as Government Evidence.

16. Both the CSRT Order and CSRT Regulations specifically defined the record as including (among other things) "all the documentary evidence presented to the tribunal" (Government Evidence). CSRT Order, 7 July 2004, para g(3), and CSRT Procedures, Encl. 1., para I(5). There was no requirement for OARDEC to compile a record of material comprising all of the records in [12] government files that would qualify as Government Information. The Recorder was required only to prepare a "Record of Proceedings" which must include 1) a statement of the time and place of the hearing, persons present, and their qualifications; 2) the Tribunal Report Cover Sheet; 3) the classified and unclassified reports detailing the findings of fact upon which the Tribunal decision was based; 4) copies of all documentary *evidence presented to the tribunal* and summaries of all witness testimony; and 5) a dissenting member's summary report, if any. CSRT Procedures, Enc. 2, §C(8). However, OARDEC made an effort to retain the Government Information as referred to in Paragraph 11, compiled for each CSRT. It is my understanding that despite their efforts, some of these electronic files became corrupted following a technical change-over from one computer system to another in 2005. This has made it difficult to fully recreate the electronic files of Government Information compiled for each tribunal. I also understand that OARDEC is currently working to retrieve stored data from system archives to see

if it is possible to recreate the files. As of this date, OARDEC is uncertain whether this is possible.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true, accurate, and correct.

Dated: 31 May 2007

/s/
James M. McGarrah
Rear Admiral, Civil Engineer Corps, U.S. Navy (Retired)
Special Assistant
Office of the Deputy Assistant Secretary of Defense,
Detainee Affairs

DECLARATION OF STEPHEN ABRAHAM

I, Stephen Abraham, hereby declare as follows:

1. I am a lieutenant colonel in the United States Army Reserve, having been commissioned in 1981 as an officer in Intelligence Corps. I have served as an intelligence officer from 1982 to the present during periods of both reserve and active duty, including mobilization in 1990 ("Operation Desert Storm") and twice again following 9-11. In my civilian occupation, I am an attorney with the law firm Fink & Abraham LLP in Newport Beach, California.

2. This declaration responds to certain statements in the Declaration of Rear Admiral (Retired) James M. McGarrah ("McGarrah Dec."), filed in *Bismullah* v. *Gates*, No. 06-1197 (D.C. Cir.). This declaration is limited to unclassified matters specifically related to the procedures employed by Office for the Administrative Review of the Detention of Enemy Combatants ("OARDEC") and the Combatant Status Review Tribunals ("CSRTs") rather than to any specific information gathered or used in a particular case, except as noted herein. The contents of this declaration are based solely on my personal observations and experiences as a member of OARDEC. Nothing in this declaration is intended to reflect or represent the official opinions of the Department of Defense or the Department of the Army.

3. From September 11, 2004 to March 9, 2005, I was on active duty and assigned to OARDEC. Rear Admiral McGarrah served as the Director of OARDEC during the entirety of my assignment.

4. While assigned to OARDEC, in addition to other duties, I worked as an agency liaison, responsible for coordinating with government agencies, including certain Department of Defense ("DoD") and non-DoD organizations, to gather or validate information relating to detainees for use in CSRTs. I also served as a member of a CSRT, and had the opportunity to observe and par-

ticipate in the operation of the CSRT process.

5. As stated in the McGarrah Dec., the information comprising the Government Information and the Government Evidence was not compiled personally by the CSRT Recorder, but by other individuals in OARDEC. The vast majority of the personnel assigned to OARDEC were reserve officers from the different branches of service (Army, Navy, Air Force, Marines) of varying grades and levels of general military experience. Few had any experience or training in the legal or intelligence fields.

6. The Recorders of the tribunals were typically relatively junior officers with little training or experience in matters relating to the collection, processing, analyzing, and/or dissemination of intelligence material. In no instances known to me did any of the Recorders have any significant personal experience in the field of military intelligence. Similarly, I was unaware of any Recorder having any significant or relevant experience dealing with the agencies providing information to be used as a part of the CSRT process.

7. The Recorders exercised little control over the process of accumulating information to be presented to the CSRT board members. Rather, the information was typically aggregated by individuals identified as case writers who, in most instances, had the same limited degree of knowledge and experience relating to the intelligence community and intelligence products. The case writers, and not the Recorders, were primarily responsible for accumulating documents, including assembling documents to be used in the drafting of an unclassified summary of the factual basis for the detainee's designation as an enemy combatant.

8. The information used to prepare the files to be used by the Recorders frequently consisted of finished intelligence products of a generalized nature—often outdated, often "generic," rarely specifically relating to the individual subjects of the CSRTs or to the circumstances re-

lated to those individuals' status.

9. Beyond "generic" information, the case writer would frequently rely upon information contained within the Joint Detainee Information Management System ("JDIMS"). The subset of that system available to the case writers was limited in terms of the scope of information, typically excluding information that was characterized as highly sensitive law enforcement information, highly classified information, or information not voluntarily released by the originating agency. In that regard, JDIMS did not constitute a complete repository, although this limitation was frequently not understood by individuals with access to or who relied upon the system as a source of information. Other databases available to the case writer were similarly deficient. The case writers and Recorders did not have access to numerous information sources generally available within the intelligence community.

10. As one of only a few intelligence-trained and suitably cleared officers, I served as a liaison while assigned to OARDEC, acting as a go-between for OARDEC and various intelligence organizations. In that capacity, I was tasked to review and/or obtain information relating to individual subjects of the CSRTs. More specifically, I was asked to confirm and represent in a statement to be relied upon by the CSRT board members that the organizations did not possess "exculpatory information" relating to the subject of the CSRT.

11. During my trips to the participating organizations, I was allowed only limited access to information, typically prescreened and filtered. I was not permitted to see any information other than that specifically prepared in advance of my visit. I was not permitted to request that further searches be performed. I was given no assurances that the information provided for my examination represented a complete compilation of information or that any summary of information constituted an accurate distillation of the body of available information re-

lating to the subject.

12. I was specifically told on a number of occasions that the information provided to me was all that I would be shown, but I was never told that the information that was provided constituted all available information. On those occasions when I asked that a representative of the organization provide a written statement that there was no exculpatory evidence, the requests were summarily denied.

13. At one point, following a review of information, I asked the Office of General Counsel of the intelligence organization that I was visiting for a statement that no exculpatory information had been withheld. I explained that I was tasked to review all available materials and to reach a conclusion regarding the non-existence of exculpatory information, and that I could not do so without knowing that I had seen all information.

14. The request was denied, coupled with a refusal even to acknowledge whether there existed additional information that I was not permitted to review. In short, based upon the selective review that I was permitted, I was left to "infer" from the absence of exculpatory information in the materials I was allowed to review that no such information existed in materials I was not allowed to review.

15. Following that exchange, I communicated to Rear Admiral McGarrah and the OARDEC Deputy Director the fundamental limitations imposed upon my review of the organization's files and my inability to state conclusively that no exculpatory information existed relating to the CSRT subjects. It was not possible for me to certify or validate the non-existence of exculpatory evidence as related to any individual undergoing the CSRT process.

16. The content of intelligence products, including databases, made available to case writers, Recorders, or liaison officers, was often left entirely to the discretion of the organizations providing the information. What in-

formation was not included in the bodies of intelligence products was typically unknown to the case writers and Recorders, as was the basis for limiting the information. In other words, the person preparing materials for use by the CSRT board members did not know whether they had examined all available information or even why they possessed some pieces of information but not others.

17. Although OARDEC personnel often received large amounts of information, they often had no context for determining whether the information was relevant or probative and no basis for determining what additional information would be necessary to establish a basis for determining the reasonableness of any matter to be offered to the CSRT board members. Often, information that was gathered was discarded by the case writer or the Recorder because it was considered to be ambiguous, confusing, or poorly written. Such a determination was frequently the result of the case writer or Recorder's lack of training or experience with the types of information provided. In my observation, the case writer or Recorder, without proper experience or a basis for giving context to information, often rejected some information arbitrarily while accepting other information without any articulable rationale.

18. The case writer's summaries were reviewed for quality assurance, a process that principally focused on format and grammar. The quality assurance review would not ordinarily check the accuracy of the information underlying the case writer's unclassified summary for the reason that the quality assurance reviewer typically had little more experience than the case writer and, again, no relevant or meaningful intelligence or legal experience, and therefore had no skills by which to critically assess the substantive portion of the summaries.

19. Following the quality assurance process, the unclassified summary and the information assembled by the case writer in support of the summary would then be

forwarded to the Recorder. It was very rare that a Recorder or a personal representative would seek additional information beyond that information provided by the case writer.

20. It was not apparent to me how assignments to CSRT panels were made, nor was I personally involved in that process. Nevertheless, I discerned the determinations of who would be assigned to any particular position, whether as a member of a CSRT or to some other position, to be largely the product of ad hoc decisions by a relatively small group of individuals. All CSRT panel members were assigned to OARDEC and reported ultimately to Rear Admiral McGarrah. It was well known by the officers in OARDEC that any time a CSRT panel determined that a detainee was not properly classified as an enemy combatant, the panel members would have to explain their finding to the OARDEC Deputy Director. There would be intensive scrutiny of the finding by Rear Admiral McGarrah who would, in turn, have to explain the finding to his superiors, including the Under Secretary of the Navy.

21. On one occasion, I was assigned to a CSRT panel with two other officers, an Air Force colonel and an Air Force major, the latter understood by me to be a judge advocate. We reviewed evidence presented to us regarding the recommended status of a detainee. All of us found the information presented to lack substance.

22. What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by percipient witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating the source of the information or providing a basis for establishing the reliability or the credibility of the source. Statements of interrogators presented to the panel offered inferences from which we were expected to draw conclusions favoring a finding of "enemy combatant" but that, upon even limited questioning

from the panel, yielded the response from the Recorder, "We'll have to get back to you." The personal representative did not participate in any meaningful way.

23. On the basis of the paucity and weakness of the information provided both during and after the CSRT hearing, we determined that there was no factual basis for concluding that the individual should be classified as an enemy combatant. Rear Admiral McGarrah and the Deputy Director immediately questioned the validity of our findings. They directed us to write out the specific questions that we had raised concerning the evidence to allow the Recorder an opportunity to provide further responses. We were then ordered to reopen the hearing to allow the Recorder to present further argument as to why the detainee should be classified as an enemy combatant. Ultimately, in the absence of any substantive response to the questions and no basis for concluding that additional information would be forthcoming, we did not change our determination that the detainee was not properly classified as an enemy combatant. OARDEC's response to the outcome was consistent with the few other instances in which a finding of "Not an Enemy Combatant" (NEC) had been reached by CSRT boards. In each of the meetings that I attended with OARDEC leadership following a finding of NEC, the focus of inquiry on the part of the leadership was "what went wrong."

24. I was not assigned to another CSRT panel.

I hereby declare under the penalties of perjury based on my personal knowledge that the foregoing is true and accurate.

/s/

Stephen Abraham

Dated: June 15, 2007

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